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## Shared Parental Leave

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# **1 Overview**

## **1.1 What is this about?**

1.1.1 We recognise the importance of supporting parents at or around the time of birth or adoption to allow them to spend time with their partner and child. 'Shared parental leave' (SPL) allows eligible parents to choose how to share the care of their child during the first year after the birth or placement.

## **1.2 Who is this for?**

1.2.1 This is for all officers, authority/police staff and managers.

## **1.3 Key information**

- There may be an entitlement of up to 50 weeks SPL and 37 weeks statutory 'shared parental pay' (ShPP).
- SPL is available to intended parents through surrogacy, who meet the criteria to apply for an adoption or parental order.
- If the full entitlement of statutory adoption/maternity leave (and statutory pay) has not been used, the balance can be transferred to a spouse, partner or the biological father of the child.
- It can be taken as soon as a mother or adopter gives notice to reduce their maternity/adoption entitlement(s) but cannot start earlier than the two weeks following the birth or placement.
- If the partner is eligible for SPL, both can take it at the same time or at different times.
- The biological father/partner/spouse may first choose to exhaust any entitlement to adoption/maternity support leave. They cannot take adoption/maternity support leave or pay once they have taken any SPL or ShPP.
- SPL must end no later than 52 weeks after the birth/placement of a child.
- A team member must give their manager notification of their entitlement and intention to take SPL.
- Throughout the period of SPL there is an entitlement to all contractual benefits, except for salary.

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- Up to 20 days can be worked during SPL.

| Who can apply?  | What criteria must be met?   | What do I get?   |
|---|--|--|
| <p>Staff with at least 26 weeks service at the end of the 15<sup>th</sup> week before the child's due date/matching date where they are:</p> <ul style="list-style-type: none"><li>• the mother/adopter; or</li><li>• the biological father of the child or the spouse, or partner of the child's mother/adopter.</li></ul> | <p>To be eligible staff must:</p> <ul style="list-style-type: none"><li>• be working with us at the start of each period of SPL;</li><li>• share the main responsibility for the care of the child at the time of the birth/placement for adoption with the other parent;</li><li>• be entitled to statutory adoption/ maternity leave (or statutory pay); and</li><li>• have worked for at least 26 weeks during the 66 weeks before the expected due/ matching date earning at least £30 PW on average for 13 weeks (doesn't need to be in a row).</li></ul> | <p>Up to the balance of the statutory adoption/maternity leave and pay that has not been used.</p> <p>This could be</p> <ul style="list-style-type: none"><li>• up to 50 weeks SPL; and</li><li>• up to 37 weeks ShPP (current rate can be found on GOV.UK).</li></ul> |

## **2 Officer/Staff**

### **2.1 What you need to do:**

- Tell your manager of your entitlement and intention to take 'shared parental leave' (SPL).
- Give the correct notification.
- Provide a declaration signed by you and your partner.
- Provide further evidence, if asked to do so.
- Decide whether to apply for Continuous or Discontinuous Leave.
- Keep in contact when on SPL and consider if you want to work a 'shared parental leave in touch' (SPLIT) Day.
- Tell us when you want SPL (and pay) to start and end.
- Let us know about any changes.

### **2.2 Discussions**

- 2.2.1 You should talk to your manager as early as possible about how you plan to use your entitlement to SPL. As you have the right to take a continuous block of leave, if notified in a single notification, any request for Continuous Leave will be accepted.
- 2.2.2 Some further discussion(s) however, may be required if you request Discontinuous Leave. This would be to talk over in detail how the leave proposal could be agreed or whether a modified arrangement would have to be considered.
- 2.2.3 Where the leave can be approved under the terms you have requested, a meeting may not be necessary.

### **2.3 Continuous leave**

- 2.3.1 This is a number of weeks taken in a single unbroken period of leave e.g. six weeks in a row. You have the right to take a continuous block of leave as long as it does not exceed the total number of weeks available and at least eight weeks' notice is given.
- 2.3.2 You may submit up to three separate notifications for continuous leave.

## **2.4 Discontinuous leave**

2.4.1 This is for a set number of weeks over a period of time, with breaks between the leave, where you return to work.

2.4.2 A meeting would be set up if there are concerns about being able to meet the request, to see if a suitable arrangement can be agreed. SPA/Police Scotland have the right to refuse this type of request if it does not meet the needs of the organisation.

## **2.5 Notification of entitlement**

2.5.1 You need to tell your manager of your entitlement and intention to take SPL by completing Shared Parental Leave Form (089-012). This has to be done at least eight weeks before the intended leave period. You and your partner have to sign the declaration on the form to confirm all the details provided are correct.

## **2.6 Requesting further evidence of eligibility**

2.6.1 If further information is requested, you have to produce it within 14 calendar days. This could include:

- the name and address of your partner's employer (where the partner is no longer employed or is self-employed their contact details must be given instead);
- a copy of the child's birth certificate (or, where one has not been issued, a declaration of the time and place of birth); or
- in the case of an adopted child, the name and address of the adoption agency, the date you were notified as being matched with the child and the date the child will start to live with you.

## **2.7 Booking shared parental leave**

2.7.1 As well as telling us about your entitlement to SPL and 'shared parental pay' (ShPP), you have to give us notice to take the leave. Normally, this will be given at the same time as the notice of entitlement i.e. when you submit Shared Parental Leave Form (089-012). You have the right to submit three notifications of the leave periods you are intending to take.

2.7.2 SPL can only be taken in complete weeks but can start on any day of the week e.g. if a week of SPL began on a Tuesday it will end on a Monday.

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2.7.3 You have to give the correct notification at least eight weeks before the date when you want the leave (and pay) to start.

### **2.8 Responding to a shared parental leave notification**

2.8.1 You will receive a decision in writing within 14 calendar days of submitting the request.

2.8.2 If your request for discontinuous leave is refused you can withdraw the request (before the 15<sup>th</sup> day after the notification was submitted); or take the total number of weeks in a single continuous block. If this is chosen, you have until the 19<sup>th</sup> day from the date the original notification was given to decide when you want the leave period to begin.

2.8.3 The leave cannot start sooner than eight weeks from the date the original notification was sent in. If no date is chosen, the start date will begin on the first leave date requested in the original notification.

### **2.9 Variations to arranged shared parental leave**

2.9.1 You can vary or cancel an agreed and booked period of SPL as long as you do so in writing at least eight weeks before the date of any variation. This would be considered as one of the three notification requests.

2.9.2 A change as a result of a child being born early or agreed date of adoption being changed, or as a result of the organisation requesting it, will not count as a further notification.

### **2.10 Maintaining contact on shared parental leave**

2.10.1 Talk to your manager and agree how much contact you would like to have during the leave period. This lets you keep up to date with what's happening at work including job vacancies, other important developments or training events.

### **2.11 Shared parental leave in touch days**

2.11.1 You and your partner can each request to work up to 20 'shared parental leave in touch' (SPLIT) days without it affecting your entitlement to pay and leave. These days are in addition to the 10 'keeping in touch' (KIT) days available to the mother or main adopter on maternity or adoption leave.

2.11.2 SPLIT days should be for a meaningful purpose such as:

- for an approved training course;
- to attend a team meeting; or
- carrying out work that would help your return to work at the end of the leave period.

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- 2.11.3 You have to complete KIT or SPLIT Days Form (089-006) to claim payment for any hours worked. There is also the option to claim TOIL (officers must use TOIL within three months from the date they return to work). Any requests for TOIL should be submitted using SCoPE.
- 2.11.4 **Officers** will receive full pay regardless of the hours worked. If a SPLIT day occurs during a period of ShPP, this will be 'topped up' so that you receive full pay for the day.
- 2.11.5 **Authority/police staff** will receive the hourly rate of pay for the hours actually worked (plus any ShPP, up to the equivalent of a days' pay).

### 2.12 Returning to work

- 2.12.1 It is important that you plan for your return to work. Your manager should be able to help you with this.

### 2.13 Refresher training and support

- 2.13.1 You should think about any refresher training or support you may need and talk it over with your manager.

### 2.14 Changing return to work date

- 2.14.1 You will have been advised in writing of the end date of any period of SPL and are expected to return the next working day after this date.
- 2.14.2 If you want to change when your SPL ends you have to give eight weeks' notice. Your manager may accept less notice where they are satisfied that it is not reasonably practicable for you to provide the required notice.

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### **3 Manager**

#### **3.1 What you need to do:**

- When you are told by the team member about their entitlement and intention to take 'shared parental leave' (SPL) arrange an informal discussion to talk it over with them.
- Notify People Direct and Resource Management that you have received a booking notice.
- Check all the information on Shared Parental Leave Form (089-012) is complete and the declaration has been signed by the team member and their partner.
- Consider requests for discontinuous leave.
- Highlight concerns where a request for discontinuous leave cannot be granted.
- Keep in contact with team member during periods of leave and consider any requests from them to work a 'shared parental leave in touch' (SPLIT) Day.

#### **3.2 Discussion**

3.2.1 You should talk to your team member as early as possible about how they plan to use their entitlement to SPL. Requests for Continuous Leave must be granted as the team member has the right to take a continuous block of leave.

3.2.2 Some further discussion(s) however, may be required if Discontinuous Leave is requested. This would be to discuss in detail how the leave proposal could be agreed or whether a modified arrangement would have to be considered.

3.2.3 Where Discontinuous Leave can be approved under the terms requested, a meeting may not be necessary.

#### **3.3 Continuous leave**

3.3.1 This is a number of weeks taken in a single unbroken period of leave e.g. six weeks in a row. The team member has the right to take a continuous block of leave as long as it does not exceed the total number of weeks available and at least eight weeks' notice is given.

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3.3.2 Up to three separate notifications for continuous leave can be submitted.

### **3.4 Discontinuous leave**

3.4.1 This is when the team member asks for a set number of weeks over a period of time, with breaks between the leave, where they return to work.

3.4.2 If you have any concerns about being able to meet the request you would have to arrange a meeting to see if a suitable arrangement could be agreed. You have the right to refuse this type of request if it does not meet the needs of the department/organisation.

### **3.5 Notification of entitlement**

3.5.1 The team member has to notify you of their entitlement and intention to take SPL by completing Shared Parental Leave Form (089-012). This has to be done at least eight weeks before the intended leave period. The team member and their partner have to sign the declaration on the form to confirm all the details provided are correct.

### **3.6 Booking shared parental leave**

3.6.1 As well as telling you about their entitlement, the team member has to give you notice to take the leave. Normally, this will be given at the same time as the notice of entitlement i.e. when Shared Parental Leave Form (089-012) is submitted.

3.6.2 When you receive a booking notice you need to notify People Direct and Resource Management.

3.6.3 The team member has the right to submit three notifications of the leave periods they are intending to take.

3.6.4 SPL can only be taken in complete weeks but can start on any day of the week e.g. if a week of SPL began on a Tuesday it will end on a Monday.

3.6.5 The team member has to give the correct notification at least eight weeks before the date when they want the leave (and pay) to start.

### **3.7 Responding to a shared parental leave notification**

3.7.1 You will have to make a decision and arrange for People Direct to send a response to the team member, within 14 calendar days of receiving the request.

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3.7.2 If the request for discontinuous leave is refused, the team member can withdraw the request (before the 15<sup>th</sup> day after the notification was submitted); or take the total number of weeks in a single continuous block. If this is chosen, they have until the 19<sup>th</sup> day from the date the original notification was given to decide when they want the leave period to begin.

3.7.3 The leave cannot start sooner than eight weeks from the date the original notification was sent in. If no date is chosen the start date will begin on the first leave date requested in the original notification.

### **3.8 Variations to arranged shared parental leave**

3.8.1 The team member can vary or cancel an agreed and booked period of SPL as long as they do so in writing at least eight weeks before the date of any variation. This would be considered as one of their three requests. You have to forward any requests to change leave dates on to People Direct.

3.8.2 A change as a result of a child being born early or agreed date of adoption being changed, or as a result of the organisation requesting it, will not count as a further notification.

### **3.9 Maintaining contact on shared parental leave**

3.9.1 Before the team member starts their leave you should discuss and agree how much contact they want during the leave period. Leave Contact Form (089-010) should be used to record what you have agreed.

3.9.2 You should also agree which form(s) of contact would be best e.g. phone, email, letter, a visit to the workplace, or other ways.

3.9.3 You should keep the team member up to date with what's happening at work including job vacancies, other important developments, or training events which could be included as part of SPLIT days.

### **3.10 Shared parental leave in touch days**

3.10.1 The team member and their partner can each request to work up to 20 SPLIT days without it affecting their entitlement to pay and leave. These days are in addition to the 10 'keeping in touch' (KIT) days available to the mother or main adopter on maternity or adoption leave.

3.10.2 SPLIT days should be for a meaningful purpose such as:

- for an approved training course;
- to attend a team meeting; or
- carry out work that would help their return to work at the end of the leave.

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- 3.10.3 Requests should not be unreasonably refused as they can be of great benefit to both the team member and the organisation. If you do not agree to a SPLIT day request you must explain the reason for this to the team member.
- 3.10.4 SPLIT days could be used to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.
- 3.10.5 SPLIT days should be added to the team member's duty roster on SCoPE and must be updated if there are any changes to the date requested.
- 3.10.6 You should approve and forward KIT or SPLIT Days Form (089-006) to People Direct to arrange payment, for any hours worked.
- 3.10.7 The team member also has the option to claim TOIL for any hours worked. They would have to submit the claim for TOIL using SCoPE for you to approve.

### **3.11 Returning to work**

- 3.11.1 The team member has the right to return to the same role if the total leave taken is less than 26 weeks. In exceptional circumstances where this is not possible you should consult with senior management and People Direct to review the available options, before discussing it with the team member.
- 3.11.2 It is important that you help the team member plan their return to work and discuss any support that may be required. This could include refresher training or new Officer Safety Training as required.
- 3.11.3 On their return, arrange a meeting with the team member and discuss any changes to working procedures. Provide any relevant updates that they should be aware of.
- 3.11.4 Schedule further one to ones to make sure they receive any required support in the early weeks after returning to work (depending on the length of period of leave they have been off).

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## **4 Resources**

### **Forms**

- Claim for Attendance at Court Form (089-008)
- KIT or SPLIT Days Form (089-006)
- Leave Contact Form (089-010)
- Shared Parental Leave Form (089-012)

### **Reference Documents**

- Additional Shared Parental Rights

### **Related Procedures**

- Adoption
- Adoption/Maternity Support
- Allowances and Expenses
- Fertility Treatment
- Pregnancy and Maternity
- Special Leave
- Surrogacy

### **Useful Links**

- [Fathers Network](#)
- [GOV.UK](#)



## Additional Shared Parental Leave Rights

### Terms and conditions protection

You are protected from suffering a detriment or unfavourable treatment when pregnant or when on adoption, maternity, parental or shared parental leave. All terms and conditions, with the exception of salary, will apply throughout the whole period of SPL. There is also an entitlement to pay rises and any improvements to terms and conditions.

### Annual leave and public holidays

Annual leave will continue to accrue during the full period of SPL and can be used before or after the leave period. There is also entitlement to a day in lieu for any public holidays that fall within the leave period.

### Shared parental leave in touch days

Up to 20 days can be worked during the leave period without it affecting any entitlement to pay. These days are called 'shared parental leave in touch' (SPLIT) days and are optional - both the team member and organization need to agree to them. If less than a full day is worked it will still count as 1 of the 20 SPLIT days used.

### Returning to work

You have the right to return to your role if the total leave taken is less than 26 weeks. If you take more leave you have the right to return to your role or a similar role (if it's not possible to give you your old role). Similar means the job has the same terms and conditions or the terms and conditions are no less favourable.

### Death of a parent

If one of the parents die once the arrangements for SPL are in place then the remaining parent will retain the rights to take the leave (and pay). If the surviving parent is the one who was on maternity/adoption leave they may revert back to continuing on this type of leave. If shared parental arrangements have already commenced then the surviving parent is entitled to the remaining balance of the leave and pay. Due to circumstances they may wish to alter dates without adhering to the required dates set out in the procedure and this should be managed sympathetically.

### Death of a child

If the child dies once the SPL process is in place it has been assumed that both parents would be allowed to continue with their entitlement to SPL. When notice has been given to terminate adoption/maternity leave but it has not ended then the parents may choose that this parent remains on this leave rather than progressing to

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SPL. Equally the parents may wish to continue to take SPL and take it concurrently to allow them to grieve.

**Partner no longer caring for the child**

If the circumstances change so that one of the parents is no longer responsible for the caring of the child their entitlement to leave and pay will stop immediately. The other parent with the responsibility for caring for the child will be able to transfer the outstanding balance of the remaining leave and pay into their own entitlement.



## Further Information and Support

### Tax-free childcare

Tax-Free Childcare is a new government initiative that was rolled out in April 2017 to replace the Childcare Voucher Scheme. For eligible parents Tax-Free Childcare offers to cover 20% of childcare costs, up to £2000 per child per year, for children up to the age of 12. If your child is disabled you may get up to £4000 a year for children up to the age of 17. Further information is available at [www.gov.uk](http://www.gov.uk).

### Court attendance

If you are cited to attend court you must do so unless a doctor certifies you unfit to attend. You will receive payment or TOIL equivalent to a full working day irrespective of the number of hours you spend at court. Claim for Attendance at Court Form (089-008) should be used to claim payment. If you are in receipt of statutory Shared Parental Pay (ShPP) and are required to attend court it could be more beneficial to claim TOIL. You will lose entitlement to one week's ShPP if you claim payment for any day or part of a week that you have attended court. **Note:** Authority/police staff – if you are held at court longer than the standard working day, additional hours will be paid at the normal rate of overtime. In exceptional circumstances where attendance has resulted in additional expense for registered childcare the costs will be reimbursed if you provide an invoice or receipt.

### Useful Contacts

|   |  |
|---|--|
| Childcare and Parenting                   | <a href="http://www.gov.uk">www.gov.uk</a>                                   |
| Employee Assistance Programme             | EAP  |
| Health and Wellbeing Team                 | [REDACTED]   |
| HM Revenue and Customs<br>(Child Benefit) | 0300 200 3100  |
| People Direct                             | [REDACTED]   |
| Scottish Family Information Service       | <a href="http://www.scottishfamilies.gov.uk">www.scottishfamilies.gov.uk</a> |
| Scottish Police Federation                | [REDACTED]   |

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Scottish Women's Development Forum **[REDACTED]**

Unison [www.unison.org.uk](http://www.unison.org.uk)

Unite [www.unitetheunion.org](http://www.unitetheunion.org)

Working Families [www.workingfamilies.org.uk](http://www.workingfamilies.org.uk)



Appendix C

Process Map

