

# GREATER LONDON AUTHORITY

[REDACTED]  
(By email)

Our Ref: MGLA140421-0631

15 April 2021

Dear [REDACTED]

Thank you for your request for information which the Greater London Authority (GLA) received on 14 April 2021. Your request has been considered under the Freedom of Information Act 2000.

You requested:

*'Can you please send me your current Shared Parental Leave Policy*

Please find attached the information we hold within the scope of your request.

We have redacted a small amount of information because some names of members of staff are exempt from disclosure under s.40 (Personal information) of the Freedom of Information Act. This information would identify specific employees and as such constitutes personal data which is defined by Article 4(1) of the General Data Protection Regulation (GDPR) to mean any information relating to an identified or identifiable living individual. It is considered that disclosure of this information would contravene the first data protection principle under Article 5(1) of GDPR which states that Personal data must be processed lawfully, fairly and in a transparent manner in relation to the data subject.

If you have any further questions relating to this matter, please contact me, quoting the reference MGLA140421-0631.

Yours sincerely

[REDACTED]  
**Information Governance Officer**

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:

<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

## Shared Parental Leave Policy

### Key of definitions

|                                      |                                                                                                                                                                                                                                                                                             |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EWC:</b>                          | Expected week of childbirth                                                                                                                                                                                                                                                                 |
| <b>Birth Parent/Primary Adopter:</b> | the person who gives birth to a child or the primary adopter (the primary adopter means the person who is eligible for adoption leave and/or pay.) This definition applies irrespective of gender identity or expression.                                                                   |
| <b>Match:</b>                        | when an adopter is approved to adopt a named child or children                                                                                                                                                                                                                              |
| <b>Partner:</b>                      | the child's biological second parent or the partner of the birth parent/primary adopter. This can be a spouse, civil partner or a partner who is living in an enduring relationship with the birth parent/primary adopter and the child. The term partner is inclusive of same sex couples. |
| <b>SPLIT day:</b>                    | Shared Parental Leave in Touch Day                                                                                                                                                                                                                                                          |
| <b>SPL:</b>                          | Shared Parental Leave                                                                                                                                                                                                                                                                       |
| <b>ShPP:</b>                         | Statutory Shared Parental Pay                                                                                                                                                                                                                                                               |
| <b>SPP:</b>                          | Shared parental Pay                                                                                                                                                                                                                                                                         |
| <b>Continuous leave:</b>             | a period of leave that is taken in one block e.g. four weeks' leave                                                                                                                                                                                                                         |
| <b>Discontinuous leave:</b>          | a period of leave that is arranged around weeks where you will return to work e.g. an arrangement where you will work every other week for a period of three months.                                                                                                                        |

### 1. Introduction

- 1.1 This policy sets out the rights and responsibilities of employees who wish to take shared parental leave. The policy is available to all employees, including those in a same sex relationship and is available regardless of gender or gender identity

### 2. Eligibility for shared parental leave

- 2.1 You may be eligible to take shared parental leave (SPL) and statutory shared parental pay (ShPP) if;
- Your baby was due on or after 5 April 2015
  - You adopt a child on or after 5 April 2015
- 2.2 In order to be eligible for shared parental leave, an employee must satisfy the following criteria;
- The birth parent must be entitled to maternity leave, statutory maternity pay or maternity allowance and must have given notice to end their maternity leave on a

date no later than the end of the 51<sup>st</sup> week after childbirth or placement for adoption.

- You must have, at the date of the birth or placement for adoption, the main responsibility for caring for the child along with your partner.
- You must be the birth parent or second parent of the child, or married to, the civil partner of, or the partner of, the child's birth parent. In the case of adoption, you must have been matched with the child for adoption, or married to, the civil partner of, or the partner of, the primary adopter. In both cases, you must be taking the leave to care for the child.
- Employees who have been continuously employed by the GLA for less than one year, but at least 26 weeks by the end of the 15th week before the due date or in which you were notified of having been matched for adoption with the child.
- You must still be working for the GLA at the start of each period of shared parental leave
- Your partner must meet the '**employment and earnings test**' - in the 66 weeks leading up to the baby's expected due date/matching date, they must have worked for at least 26 weeks, and earned an average of at least £30 (as of 2015) a week in any 13 weeks.
- You must have correctly notified the GLA of your entitlement and provided the necessary evidence.
- If you and your partner are both employees of the GLA, and both meet the qualifying requirements then there will be a joint entitlement. You will have to determine how to divide the leave entitlement once the birth parent/ primary adopter has decided to curtail their maternity/adoption leave.
- If you are in a surrogacy arrangement, and are eligible and intend to apply for a parental order, or are adopting through an approved agency and applying for an adoption order, you may also be eligible for SPL. You can opt into SPL once you have accessed adoption leave and pay.

2.3 To start shared parental leave or shared parental pay, the birth parent/primary adopter must give binding notice to end their maternity/adoption leave (for SPL) or their maternity or adoption pay or maternity allowance (for ShPP). If the birth parent does not get maternity leave, but gives binding notice to end their maternity allowance, their partner may still be eligible for SPL and ShPP.2.4

2.4 A minimum of two weeks' compulsory maternity/adoption leave and pay must be taken before maternity/adoption leave can be curtailed. After that, eligible parents may take;

- Leave: The remaining leave as SPL (Up to 50 weeks minus any weeks of maternity, adoption and shared parental leave already taken). Both partners can take SPL concurrently or consecutively. The combined leave taken by the parents must not exceed their joint entitlement.
- Pay: The remaining pay as ShPP (Up to 39th week minus any weeks of maternity, adoption, shared parental pay or maternity allowance taken)

2.5 The parents are able to decide how they wish to split the remaining allowance between them.

2.6 This policy applies to employees of the Greater London Authority (GLA), whether they are the birth parent/primary adopter or the partner. If it is the birth parent/primary adopter who is employed by the GLA, the partner must (where relevant) submit any notifications to take shared parental leave to their own employer if they wish to take a period of Shared Parental Leave.

- 2.7 Similarly, if it is the partner who is employed by the GLA, the mother/primary adopter must (where relevant) submit any notifications to take shared parental leave to their own employer if they wish to take a period of Shared Parental Leave.

### **3. Amount of Shared Parental Leave available**

- 3.1 The amount of shared parental leave to which an individual is entitled will depend on when the birth parent /primary adopter brings their maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.
- 3.2 The maximum period that parents can take as shared parental leave is 50 weeks between them (the first two weeks following the birth or placement for adoption must be taken by the birth parent/primary adopter as compulsory maternity/adoption leave).
- 3.3 The birth parent / primary carer/ primary adopter and partner must take any shared parental leave after the birth or placement for adoption day and before the child's first birthday or the first anniversary of the adoption placement.
- 3.4 Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block or as a number of discontinuous blocks. Employees requesting discontinuous blocks of leave must seek the agreement of their line manager and Assistant Director/Head of Service.

### **4. Amount of Shared Parental Pay (ShPP) available**

- 4.1 Employees who take a period of shared parental leave, may be eligible to receive pay for some of the leave period. Statutory shared parental pay (ShPP) is available for up to 39 weeks (minus the first two weeks' compulsory maternity/adoption leave); the ShPP rate is set by the [government](#).
- 4.2 The GLA offers two shared parental leave schemes; scheme A and B. Under these schemes, eligible employees may be entitled to some of their shared parental leave to be paid above the statutory rate.
- 4.3 If you are eligible for shared parental pay (ShPP), your entitlement to 39 weeks statutory or enhanced pay is less any weeks of maternity, adoption or shared parental leave and pay already claimed by you or the other parent.
- 4.4 During SPL you will remain a member of the pension scheme. Unpaid SPL does not count towards reckonable service for your pension but you will still be a member of LPFA pension scheme.
- 4.5 When you are on paid SPL, including ShPP, you will pay pension contributions based on your actual pay, even if this is less than the salary you would be receiving if you were still at work. The Greater London Authority, however, will continue to pay employer contributions based on the salary you would be receiving if you were still at work.

#### **4.6 Scheme A**

- 4.6.1 Employees who have been continuously employed by the GLA for a period of one year or more at the beginning of the eleventh week before the expected week of birth, or
- 4.6.2 In the case of adoption, have been continuously employed by the GLA for a period of one year at the beginning of the week in which notification of matching is given by the adoption agency, are entitled to the provisions of this scheme;

- 4.6.3 Up to 50 weeks shared parental leave, with up to 39 weeks' paid leave, as follows;
- First two weeks' compulsory maternity/adoption leave at full pay
  - Up to 29 weeks' paid at full pay\*
- Up to a further 8 weeks' paid at statutory shared parental pay (ShPP).

*Please note - Both entitlements are less any weeks pay already received by either parent by way of maternity/adoption/shared parental pay*

*\*ShPP is included in this payment*

- 4.6.4 When the shared parental leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, they will have to repay any salary paid to them after the first 18 weeks of shared parental pay in excess of ShPP.

## **4.7 Scheme B**

- 4.7.1 Employees who have been continuously employed by the GLA for less than one year, but at least 26 weeks by the end of the 15th week before the due date or
- 4.7.2 In the case of adoption, have been continuously employed by the GLA for less than one year, but at least 26 weeks by the end of the 15th week before the due date, at the beginning of the week in which notification of matching is given by the adoption agency, are entitled to the provisions of this scheme;
- 4.7.3 Up to 50 weeks shared parental leave, with up to 39 weeks' paid leave, as follows;
- First two weeks' compulsory maternity/adoption leave at full pay
  - Up to 8 weeks paid at 9/10 pay\* and
  - Up to 16 weeks paid at half pay\*\* and,
  - Up to a further 13 weeks may be paid at ShPP (statutory rate) for employees with at least 26 weeks' continuous service at the end of the 15<sup>th</sup> week before the expected week of childbirth.

*Please note - Both entitlements are less any weeks pay already received by either parent by way of maternity/adoption/shared parental pay*

- 4.7.4 When the shared parental leave ends the employee must return to work for the GLA (or another GLA Group employer) for at least six months. If the employee does not do this, they will have to repay any salary paid after the first eighteen weeks of shared parental leave in excess of ShPP.

## **5 Notice requirements for shared parental leave**

- 5.1 An employee who wishes to take shared parental leave must give their line manager at least 8 weeks' written notice of their intention to take the leave by completing the shared parental leave application form
- [Birth application form](#)
  - [Adoption application form](#)
- 5.2 The GLA HR&OD unit may request for the employee to provide a copy of the child's birth or adoption certificate and the name and address of the other parent's employer.
- 5.3 Before the birth parent or partner can take shared parental leave, the birth parent/primary adopter must either return to work before the end of their

maternity/adoption leave (by giving 8 weeks' notice of her planned return) or tell their employer that they are ending their maternity leave early.

- 5.4 The GLA will, where there is a suspicion that fraudulent or negligent information may have been provided, or where it is informed by the HMRC that a fraudulent claim has been made, investigate the matter further and take action in accordance with the disciplinary procedure.

## **6 Varying a period of shared parental leave**

- 6.1 The employee may vary or cancel their proposed shared parental leave dates, provided that they give the GLA a minimum of 8 weeks' written notice. An employee can provide a combined total of up to three periods of leave notices or variations per pregnancy or adoption.

## **7. Contact during a period of shared parental leave**

- 7.1 Shortly before the employee's shared parental leave starts, the line manager will discuss the arrangements for keeping in touch during the leave period. In any event, the GLA reserves the right to maintain reasonable contact with the employee during shared parental leave. This may be to discuss plans for the employee's return to work, to discuss any special arrangements to be made or training to be given to ease the return to work, or simply to update on developments at work during the absence. Such contact will not constitute 'work'.

## **8. Shared parental leave in touch days (SPLIT)**

- 8.1 An employee can agree to work for the GLA (or to attend training) for up to 20 days during the period of shared parental leave without that work bringing the period of shared parental leave and pay to an end. These are known as shared parental leave in touch or 'SPLIT' days. Any work carried out on a day shall constitute a day's work for these purposes.
- 8.2 There is no obligation on the employee to carry out any work, and the employee has no right to undertake any work, during the period of shared parental leave. The GLA will grant time off in lieu for any agreed work undertaken, which should be taken by the employee on return to work following shared parental leave. Any SPLIT days worked do not extend the period of shared parental leave.

## **9. Annual Leave**

- 9.1 Employees will continue to accrue annual leave while on shared parental leave, pro rata to their contractual entitlement of 30 days per leave year.
- 9.2 Employees will also accrue public holiday leave for any public holiday that falls within the period of shared parental leave, on a day that the employee would normally work.
- 9.3 Only five days untaken annual leave may be carried over from one leave year to another. To prevent loss of any leave entitlement (for example, where the shared parental leave spans two leave years) the employee may need to take their outstanding leave entitlement before starting a period of shared parental leave unless this is not reasonably practicable.

**10. Returning to work**

- 10.1 Subject to the exception below, the employee has the right to return to the job in which they were employed under their contract of employment, provided that their period of SPL lasted no longer than 26 weeks, unless it is not reasonably practical for them to do so. Where it is not reasonably practicable, the employee has the right to return to a job that is both suitable and appropriate for them to do in the circumstances.
- 10.2 The right to return to the same job is also subject to any organisational change that may have happened during the period of leave. If the employee's substantive post has been deleted, they must be offered any suitable alternative post but the terms and conditions must be no less favourable than those that would have applied to the substantive post.
- 10.3 The entitlement for fixed term employees to return to the job in which they were employed is dependent on the reason for their fixed term post and the contract end date. Further advice can be obtained from the Human Resources Unit.
- 10.4 The employee will have been formally advised in writing by the HR unit of the date on which they are expected to return to work. The employee is expected to return on this date, unless they have notified the GLA otherwise. While there is no legal obligation for the employee to confirm that they will be returning on the expected date, it will assist the GLA if they do so.
- 10.5 If the employee wishes to return to work earlier than the expected date, they must give at least eight weeks' notice of their intended return date.
- 10.6 If the employee wishes to return on a part-time or any other flexible working arrangements, they should discuss this with their line manager before the start of the shared parental leave, or at least twelve weeks before they are due to return. Although there is no automatic right to such changes in the employee's working patterns, where possible, depending on the needs of the service, every effort will be made to accommodate requests for part-time or flexible working.

|                  |                                                                                                                                                                                                                                                                                                         |
|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Document authors |                                                                                                                                                                                                                                                                                                         |
| Issue no.        | 1. Launched 22 June 2015<br>2. updated 01/03/16 to clarify pay entitlement in relation to Paternity Pay entitlement<br>3. Reviewed in September 2016<br>4. Reviewed in 2018 with minor changes to language to remove gendered terms e.g. he/she and inclusion of gender identity and gender expression. |
| Date of release  | 22 June 2015                                                                                                                                                                                                                                                                                            |
| Approved by      | Head of Paid Service for all s.67(2) appointments.<br>The Mayor for all s. 67(1) appointments.<br>The Mayor and Assembly for the Statutory Officers.                                                                                                                                                    |
| Next review date | June 2020                                                                                                                                                                                                                                                                                               |