



HM Government

Civil Service Employee Policy

Shared Parental Leave

A guide for adopters and parents
having a child through a surrogacy
arrangement and their managers

This booklet is for parents adopting a child, including those fostering to adopt, and intended parents in surrogacy arrangements, where at least one of you works in the Civil Service. There is a separate guide for couples giving birth to a baby who they will continue to care for.

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Leave and pay when adopting a child or becoming parents through a surrogacy arrangement

When taking time off to adopt a child or have a baby through surrogacy arrangements, you may be entitled to adoption leave and pay.

This website will help you work out if you are eligible <https://www.gov.uk/plan-adoption-leave>

Note: The amounts given on this site are the statutory rates of pay to which eligible employees are entitled by law. However, some employers, including the Civil Service, pay more than the statutory rate. You and your partner will need to check with your employers to see what they will pay you during your leave.

Adoption Leave

If you are adopting a child or becoming parents through a surrogacy arrangement, you may be entitled to adoption leave. If both parents qualify, you will need to decide who will apply. This person will be known as the primary adopter.

For employees, adoption leave is a day one right. This means that you can take it as soon as you start working for an employer.

As an employee you are entitled to 52 weeks adoption leave. Adoption leave can begin up to 14 days before the child starts living with you.

If you are fostering to adopt, adoption leave can start as soon as the child is placed with you, or up to 14 days before the expected date of placement, if there is an expectation you will be adopting the child.

For employees having a baby through a surrogacy arrangement, adoption leave can begin the day the baby is born, or the following day if you were at work.

You do not have to use the full 52 weeks adoption leave but you must take a minimum of two weeks adoption leave.

Adoption Pay

If you are taking adoption leave, you may be entitled to statutory adoption pay. This is not a day one right. This means you need to meet eligibility conditions. This website will help you work out if you are eligible <https://www.gov.uk/adoption-pay-leave>

If you are entitled to statutory adoption pay, it will be paid for a total of 39 weeks. You should be aware that statutory adoption pay is paid at a higher rate than statutory shared parental pay for the first six weeks.

As a civil servant, you may be entitled to have your statutory adoption pay topped up for the first 26 weeks to full pay (or 39 weeks in some departments). Full pay is sometimes referred to as occupational or contractual pay. It is the amount you would be earning if you were not on adoption leave. You will need to check your adoption leave policy to see if you are entitled to full pay.

Leave and pay when having a baby

Paternity Leave

When your partner is the primary adopter, you, as the secondary adopter, may be able to take paternity leave. This website will help you work out if you are eligible <https://www.gov.uk/paternity-pay-leave/eligibility>

Despite its name, it applies to both male and female partners of the primary adopter.

Paternity leave can only be taken:

- when the child has been placed with you
- when the child has arrived in the UK (for overseas adoptions)
- once the baby has been born (or the day after if you were at work) for surrogate parents.

Paternity leave must finish within 56 days of these events. Paternity leave can't be taken after shared parental leave has been taken.

Paternity Pay

If you meet the conditions for paternity pay, you will be entitled to the statutory weekly rate. The website above will help you work out how much this is.

Most civil servants are entitled to full pay while on paternity leave. You will need to check your paternity leave policy to see if you are entitled.

Antenatal or Adoption Appointments

Both parents having a baby through a surrogacy arrangement and applying for a parental order may be entitled to take unpaid time off to attend up to two antenatal appointments.

You need to check if your department pays for this time off.

Employees adopting a child, including prospective adopters where a child has been placed under a fostering to adopt arrangement, have a statutory right to take paid time off to attend up to five adoption appointments if they are the primary adopter.

The secondary adopter has a statutory right to take unpaid time off to attend up to two adoption appointments.

You need to check if your department pays for this time off.

Shared Parental Leave

Shared parental leave is a way of sharing the entitlement to adoption leave between parents. It is explained more fully in this booklet.

Shared Parental Pay

In addition to sharing leave, you can also share pay.

Shared parental pay is a way of sharing the entitlement to adoption pay between parents. It is explained more fully in this booklet.

Shared Parental Leave

Shared parental leave is a way of sharing the entitlement to adoption leave between parents.

To opt into shared parental leave, the primary adopter must end their adoption leave early. Any untaken weeks of adoption leave can then be converted into shared parental leave.

The primary adopter must take a minimum of two weeks compulsory adoption leave. This means that you can take a maximum of 50 weeks shared parental leave.

Unlike adoption leave, where only one parent can take time off and it has to be taken all in one go, shared parental leave offers more flexibility. For example, it can be taken by either you or your partner, or both of you at the same time or at different times. You can return to work and take annual leave between periods of shared parental leave.

You can submit up to three applications and if eligible, you can take shared parental leave in a single block for each application you submit. However, you and your manager can agree that you take it in a larger number of separate periods. It is important to have early conversations with your manager to agree your leave pattern.

Shared parental leave must be taken within 52 weeks of the child being placed with you. In surrogacy arrangements, shared parental leave must be taken within 52 weeks of the baby being born.

Eligibility

Shared parental leave is only available to the two parents caring for a child. This means you must both meet certain conditions. The easiest way to check is to use the guidance and tools available at <https://www.gov.uk/guidance/shared-parental-leave-and-pay-guidance-and-tools-for-parents#eligibility-checklists>

It is your responsibility to check that you are eligible. You and your partner will be asked to declare that you meet the qualifying conditions.

To take shared parental leave, you must be an employee. If you or your partner is self-employed, an agency worker or not currently working, you may still be eligible as a couple to opt into shared parental leave but only the employee will be able to take the leave.

For you to take shared parental leave, you and your partner must meet the following conditions.

You must be sharing the main responsibility for caring for the child with the child's other adoptive parent at the time the child is placed for adoption with the family.

You or your partner must be entitled to adoption pay or leave.

Shared Parental Leave

You must also:

- have been employed by the same employer continuously for at least 26 weeks by the date you are matched with your adopted child (or, if you are adopting via surrogacy, by the end of the 15th week before your baby is due)
- stay with the same employer while you take shared parental leave.

During the 66 weeks before the week you are matched with your adopted child (or the baby is due), your partner must:

- have worked for at least 26 weeks (they don't need to be in a row), and
- for 13 of the 66 week period earned an average of £30 a week or more.

This can be as an employee, worker or self-employed person. Your partner doesn't have to be working when you start shared parental leave.

Shared Parental Pay

Shared parental pay is a way of sharing the entitlement to adoption pay between the parents.

To opt into shared parental pay, the primary adopter must end their adoption pay early. Any untaken weeks of adoption pay can then be converted into shared parental pay.

The primary adopter must take a minimum of two weeks compulsory adoption pay. This means that you can take a maximum of 37 weeks shared parental pay.

Remember you must deduct the number of weeks of adoption pay taken before the child is placed with you as well as the adoption pay taken after the child is placed with you.

Adoption pay includes any weeks of occupational adoption pay which the primary adopter takes.

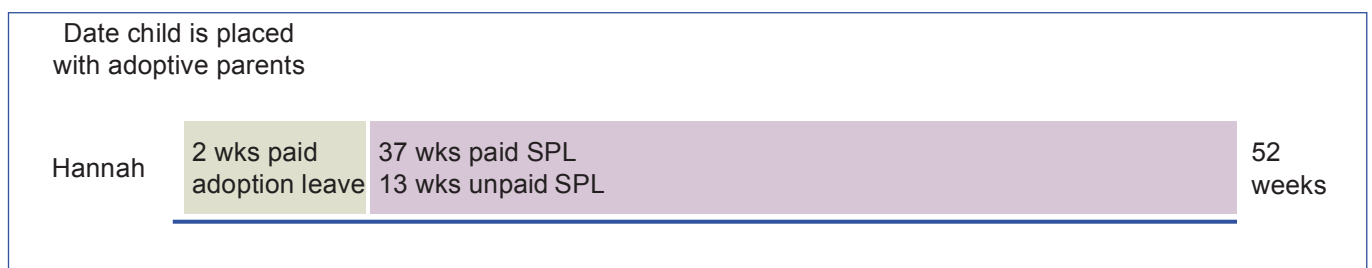
Note that any weeks on paternity pay are not deducted.

Example – primary adopter takes the minimum 2 weeks compulsory paid adoption leave

Hannah takes the minimum 2 weeks adoption pay when their child comes to live with them and ends her adoption leave early to opt into shared parental leave (SPL).

Hannah converts 50 weeks untaken adoption leave into 50 weeks shared parental leave. This means:

- 37 weeks untaken paid adoption leave are converted into 37 weeks paid shared parental leave and
- 13 weeks untaken unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.



Shared Parental Pay

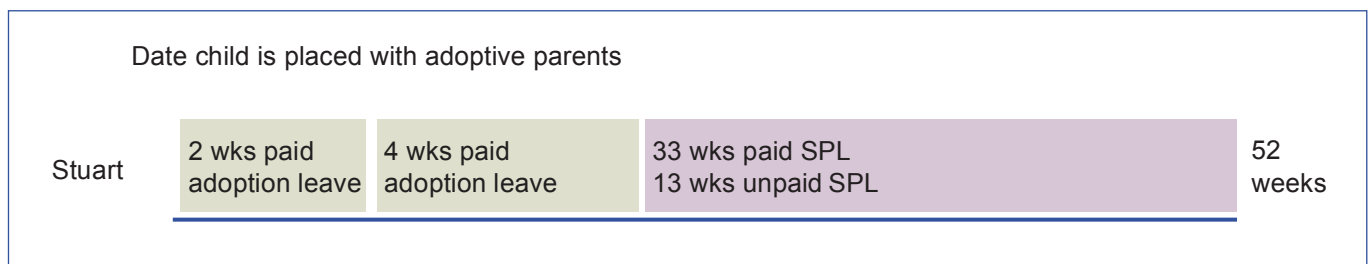
Example – primary adopter takes more than 2 weeks compulsory paid adoption leave

Stuart takes 2 weeks paid adoption leave before their child comes to live with them and 4 weeks after.

He takes a total of 6 weeks paid adoption leave and ends his adoption leave early to opt into shared parental leave.

He converts 46 weeks untaken adoption leave into 46 weeks shared parental leave. This means:

- 33 weeks untaken paid adoption leave are converted into 33 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.



Eligibility

To get shared parental pay, you must meet the conditions for shared parental leave and one of the following must apply:

- you are entitled to statutory adoption pay
- you are entitled to statutory paternity pay and your partner is entitled to statutory adoption pay.

If you are unsure whether you are entitled to shared parental pay, you can check using the online calculator at <https://www.gov.uk/guidance/shared-parental-leave-and-pay-guidance-and-tools-for-parents#eligibility-checklists>

Statutory and Occupational Pay

The law provides for adoption and shared parental pay to be paid to eligible employees at a statutory pay rate. Couples who qualify are entitled to a total of 39 weeks statutory adoption pay and shared parental pay between them.

Some employers top up statutory adoption and/or statutory shared parental pay. If you or your partner can claim occupational adoption pay, this means that the employer is topping up the statutory adoption pay that you are entitled to. In the same way, employers can also top up statutory shared parental pay. It is important that you and your partner find out about the pay arrangements of your employers.

Shared Parental Pay

Primary adopters who work in the Civil Service may be eligible to take up to:

- 26 weeks adoption leave at full pay,
- 13 weeks adoption leave at statutory pay, and
- 13 weeks unpaid adoption leave.

The primary adopter must take at least two weeks paid adoption leave. They can then covert the remaining untaken adoption leave and pay into shared parental leave and pay and take up to:

- 24 weeks shared parental leave at full pay
- 13 weeks shared parental leave at statutory pay, and
- 13 weeks unpaid shared parental leave.

Similarly, once a primary adopter has ended their adoption leave, the eligible partner working in the Civil Service can take up to:

- 24 weeks shared parental leave at full pay
- 13 weeks shared parental leave at statutory pay, and
- 13 weeks unpaid shared parental leave.

You do not have to take the shared parental leave in this order. The number of weeks of shared parental leave will be reduced by the number of weeks of adoption leave the primary adopter takes.

As a civil servant, you must meet certain conditions to be entitled to have your statutory shared parental pay topped up for the first 24 weeks to full pay.

You will need to check your department's shared parental leave policy to see if you are entitled to full pay.

It is important to understand that, as a civil servant, the number of weeks of adoption pay the primary adopter takes will be deducted first from your entitlement to shared parental leave at full pay.

If you are both civil servants, the entitlement to take 24 weeks shared parental leave at full pay is a joint entitlement. This means that, as a couple, you can only take 26 weeks in total of adoption and shared parental leave at full pay.

Some Civil Service departments offer their employees 39 weeks at full pay. This is discussed further in [Annex A](#).

Shared Parental Pay

Example – adoption leave taken affects amount of shared parental leave on full pay

Jack is a civil servant. His partner, Tom, is not. Tom takes 20 weeks paid adoption leave and ends his adoption leave early to opt into shared parental leave.

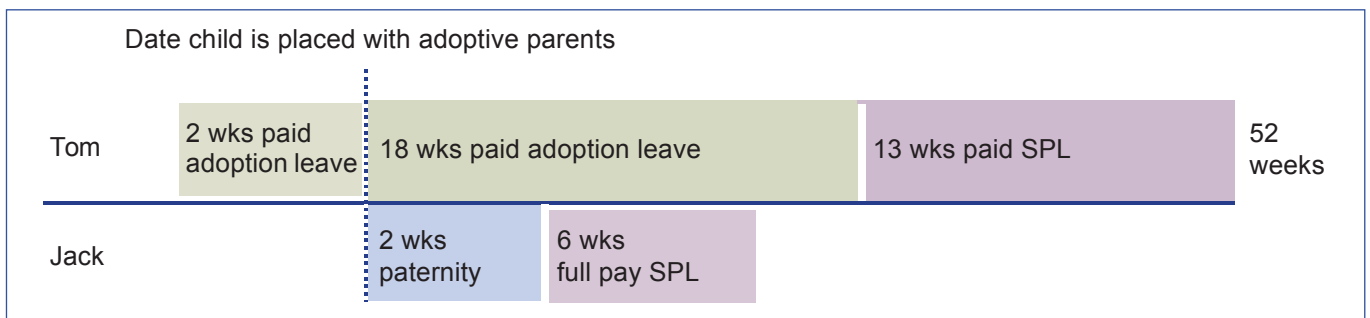
Tom converts 32 weeks untaken adoption leave into 32 weeks shared parental leave. This means:

- 19 weeks untaken paid adoption leave are converted into 19 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

Tom takes 13 weeks paid shared parental leave.

Jack, the civil servant, takes 6 weeks paid shared parental leave at full pay (26 weeks entitlement – 20 weeks paid adoption leave).

They decide not to take the 13 weeks unpaid shared parental leave available to them.



Shared Parental Pay

Example – effect of an earlier move to shared parental leave

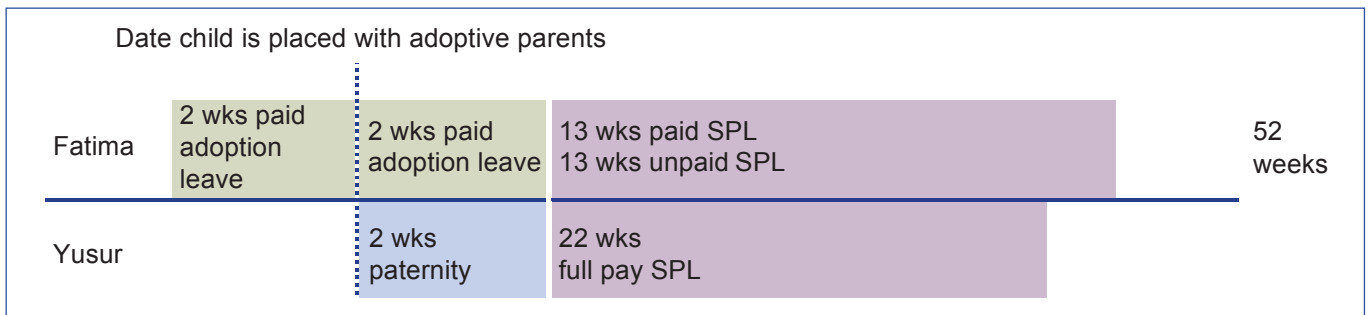
Yusur is a civil servant. Her partner, Fatima, is not. Fatima takes 4 weeks paid adoption leave when their child comes to live with them and ends her adoption leave early to opt into shared parental leave.

Fatima converts 48 weeks untaken adoption leave into 48 weeks shared parental leave. This means:

- 35 weeks untaken paid adoption leave are converted into 35 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

Fatima takes 13 weeks paid shared parental leave and 13 weeks unpaid shared parental leave.

Yusur, the civil servant, takes 22 weeks shared parental leave at full pay (26 weeks entitlement - 4 weeks paid adoption leave).



Shared Parental Pay

Example – shared parental pay where both parents are civil servants

Piotr and Halina are both civil servants. Halina takes 4 weeks paid adoption leave and ends her adoption leave early to opt into shared parental leave.

Halina converts 48 weeks untaken adoption leave into 48 weeks shared parental leave. This means:

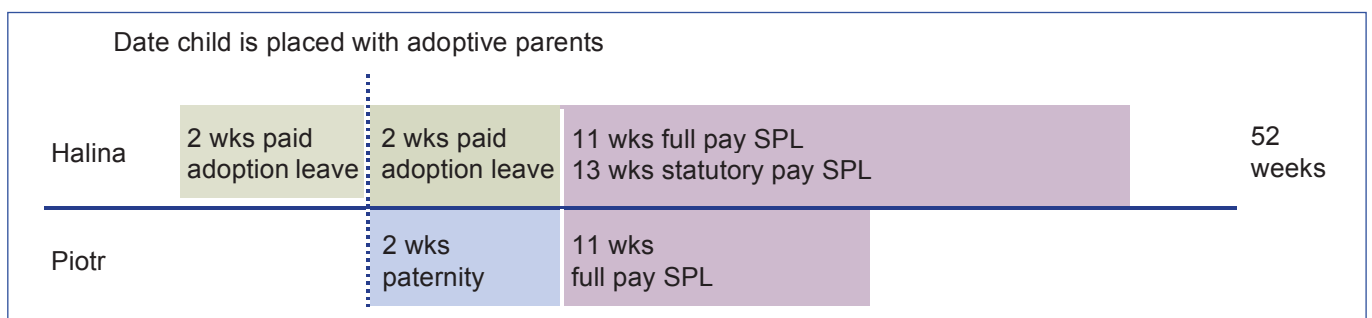
- 35 weeks untaken paid adoption leave are converted into 35 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

22 weeks of the paid shared parental leave is at full pay (26 weeks entitlement – 4 weeks paid adoption leave).

Halina and Piotr take 11 weeks shared parental leave at the same time, both at full pay.

Halina also takes 13 weeks shared parental leave at statutory pay.

As a couple, they take a total of 39 weeks paid adoption leave and shared parental leave combined. They decide not to take the 13 weeks unpaid shared parental leave available to them.



If your partner is not a civil servant, it is important to find out what the pay arrangements are for them. Some employers top up adoption pay but not shared parental pay. This may make a difference to when the primary adopter decides to end their adoption leave.

You should remember that statutory adoption pay is paid at a higher rate for the first six weeks than statutory shared parental pay.

If your partner works outside the Civil Service, any statutory adoption pay they get will

automatically affect the number of weeks of shared parental leave you can have at full pay. However, once you have opted into shared parental leave, it will not make a difference to your entitlement to shared parental leave at full pay whether your partner gets statutory or occupational shared parental pay.

Remember, as a couple you can get a maximum of 39 weeks adoption pay and shared parental pay combined. If you are eligible, 26 of those weeks may be topped up to full pay.

Planning your Shared Parental Leave and Shared Parental Pay

You and your partner have three decisions to make:

- when the primary adopter should end their adoption leave and pay
- when you would each like to take your shared parental leave
- how you would like to split any shared parental pay which you are entitled to.

Ending the primary adopter's adoption leave

To opt into shared parental leave, the primary adopter must end their adoption leave early to convert any untaken leave into shared parental leave.

Remember the primary adopter has to take a minimum of two weeks adoption leave. A primary adopter who wants to opt into shared parental leave can end their adoption leave in one of two ways:

- they can return to work before the end of their adoption leave, or
- they can give notice to their employer to end their adoption leave early.

If you, as the primary adopter, are a civil servant, you need to check with shared services (or equivalent) how you give notice to end your adoption leave. You must give at least eight weeks' notice.

If the primary adopter is not a civil servant, they will need to speak to their employer to find out what they need to do.

In fostering to adopt, children can be placed with approved foster parents who agree to

adopt a child with little or no notice. In these situations, you will be unable to provide the usual 8 weeks' notice. If you are such a parent, you need to have early discussions with your manager to help prepare for absences at short notice.

Deciding not to end adoption leave and start shared parental leave

A primary adopter can only withdraw their notice to end their adoption leave in very limited circumstances. These are that the adoption leave has not yet ended and:

- you realise that neither of you are eligible for shared parental leave and pay, or
- the other parent dies.

Splitting shared parental leave

Once the primary adopter has given notice to end their adoption leave, you can take your shared parental leave together or at different times. You can stop and start it, returning to work in between. You can also take annual leave in between your periods of shared parental leave. As long as you and your partner meet the eligibility requirements, one of you can take all the shared parental leave.

Provided the primary adopter has given the correct notice to end their adoption leave, their partner can start shared parental leave before the adoption leave has ended. This enables you to be off at the same time. However, the partner must take any paternity leave first.

Planning your Shared Parental Leave and Shared Parental Pay

You may find that what you and your partner will be paid affects when and how you want to take your shared parental leave.

You should look at the different options for taking leave and claiming pay until you find one that suits you.

The following examples should help you understand what is possible.

Example – couple share 42 weeks of shared parental leave

James is a civil servant. His partner, Antonio, is not. James takes 10 weeks paid adoption leave after their child comes to live with them and ends his adoption leave early to opt into shared parental leave.

James converts 42 weeks untaken adoption leave into 42 weeks shared parental leave. This means:

- 29 weeks untaken paid adoption leave are converted into 29 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

Antonio takes 7 weeks paid shared parental leave and 1 week unpaid shared parental leave after his 2 weeks paternity leave. This means they are both off work together for 10 weeks after their child comes to live with them.

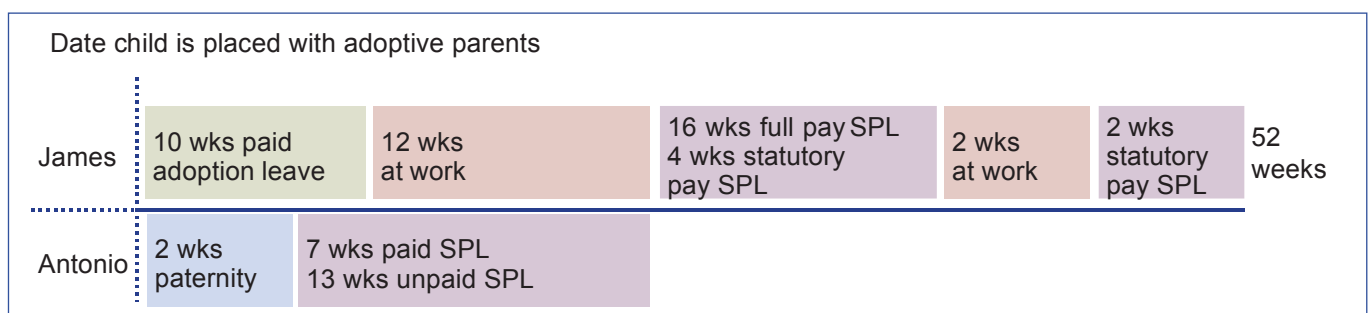
James returns to work for 12 weeks during which time Antonio takes the remaining 12 weeks unpaid shared parental leave.

James, the civil servant, then takes 20 weeks paid shared parental leave. He takes:

- 16 weeks at full pay (26 weeks entitlement – 10 weeks paid adoption leave), and
- 4 weeks at statutory pay.

James returns to work for 2 weeks while the grandparents care for their child and takes the final 2 weeks shared parental leave, at statutory pay, after this.

Remember, all their shared parental leave must be taken within the first 52 weeks of their child being placed with them.



Planning your Shared Parental Leave and Shared Parental Pay

Example – couple take shared parental leave together and annual leave

Joe is a civil servant. His partner, Chloe, is not. Chloe takes 2 weeks adoption leave after their child comes to live with them and ends her adoption leave early to opt into shared parental leave.

Chloe converts 50 weeks untaken adoption leave into 50 weeks shared parental leave. This means:

- 37 weeks untaken paid adoption leave are converted into 37 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

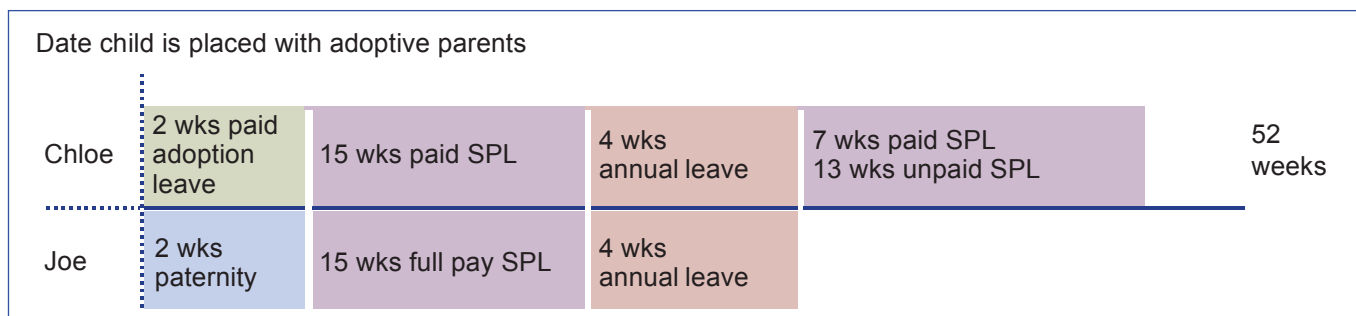
Joe, the civil servant, would be entitled to 22 weeks shared parental leave at full pay (26 weeks entitlement – 2 weeks paid adoption leave). They decide Jo will take 15 weeks shared parental leave at full pay following his 2 weeks paternity leave.

Chloe will also take 15 weeks paid shared parental leave after her 2 weeks paid adoption leave so they can be off together.

They then take 4 weeks annual leave together.

Jo returns to work and Chloe takes the remaining 20 weeks shared parental leave. She takes:

- 7 weeks paid shared parental leave, and
- 13 weeks unpaid shared parental leave.



Planning your Shared Parental Leave and Shared Parental Pay

Example – couple alternate single weeks of work with single weeks of shared parental leave

Mateo and Isabella are both civil servants. Isabella takes 2 weeks adoption leave before their child comes to live with them and 2 weeks after. She ends her adoption leave early to opt into shared parental leave.

Isabella converts 48 weeks untaken adoption leave into 48 weeks shared parental leave. This means:

- 35 weeks untaken paid adoption leave are converted into 35 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

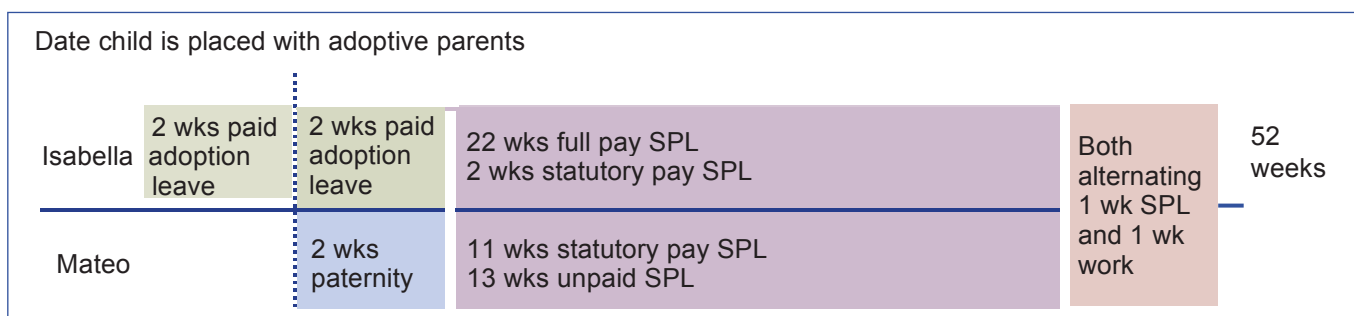
As they are both civil servants, there will be the following shared parental leave for them to share between them:

- 22 weeks shared parental leave at full pay (26 weeks entitlement – 4 weeks paid adoption leave)
- 13 weeks shared parental leave at statutory pay, and
- 13 weeks unpaid shared parental leave.

They decide Isabella will take 22 weeks shared parental leave at full pay and 2 weeks shared parental leave at statutory pay.

Mateo will take 11 weeks shared parental leave at statutory pay and 13 weeks unpaid shared parental leave.

They alternate weeks of shared parental leave and work between them.



Planning your Shared Parental Leave and Shared Parental Pay

Splitting shared parental pay

Once you have decided how you want to split your shared parental leave, you then need to consider how to divide your shared parental pay between you.

- You must deduct any paid adoption leave taken from the entitlement to 39 weeks paid shared parental leave.
- If, as a civil servant, you are entitled to 26 weeks shared parental leave at full pay, you must deduct from this the number of weeks paid adoption leave taken by the primary adopter.
- If you are both civil servants who qualify for occupational pay, you will have a total of 26 weeks adoption leave and shared parental leave at full pay between you (unless one or both of you are entitled to 39 weeks at full pay in which case see [Annex A](#)).
- If your partner works outside the Civil Service, their entitlement to occupational shared parental pay does not affect your entitlement to shared parental leave at full pay.
- You can be flexible and take paid and unpaid shared parental leave in any order during the first year of the child coming to live with you or, if you are having a baby via a surrogacy arrangement, after the baby's birth. However, they must not add up to more than you are entitled to as individual employees and as a couple.

Example – non-civil servant entitled to adoption leave at full pay

Sean is a civil servant. His partner, Siobhan, is not. Siobhan's employer will pay 12 weeks of occupational adoption pay but does not pay occupational shared parental pay.

Siobhan takes 2 weeks paid adoption leave before their child comes to live with them and 10 weeks paid adoption leave after. She ends her adoption leave early to opt into shared parental leave.

Siobhan converts 40 weeks untaken adoption leave into 40 weeks shared parental leave. This means:

- 27 weeks untaken paid adoption leave are converted into 27 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

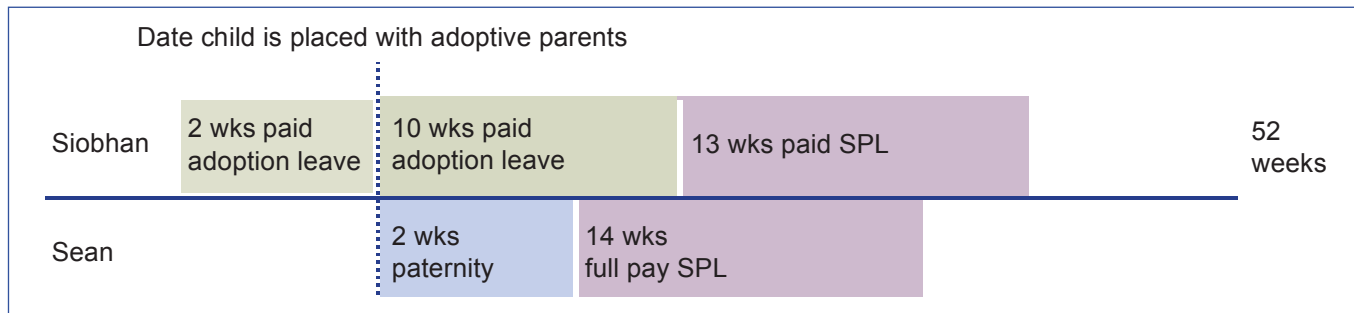
Sean, the civil servant, takes 14 weeks shared parental leave at full pay (26 weeks entitlement – 12 weeks paid adoption leave).

Siobhan takes 13 weeks paid shared parental leave at statutory pay as her employer does not pay occupational shared parental pay.

They decide not to take the 13 weeks unpaid shared parental leave available to them.

As a couple they take a total of 39 weeks paid adoption leave and shared parental leave combined.

Planning your Shared Parental Leave and Shared Parental Pay



Example – non-civil servant’s occupational shared parental pay does not affect civil servant’s entitlement to shared parental leave at full pay

Ben is a civil servant. His partner, Seb, is not. They are having a baby via a surrogacy arrangement. Seb’s employer will pay 12 weeks adoption leave or shared parental leave at full pay.

Seb takes 2 weeks on paid adoption leave at full pay after their baby is born and ends the adoption leave early to opt into shared parental leave.

Seb converts 50 weeks untaken adoption leave into 50 weeks shared parental leave. This means:

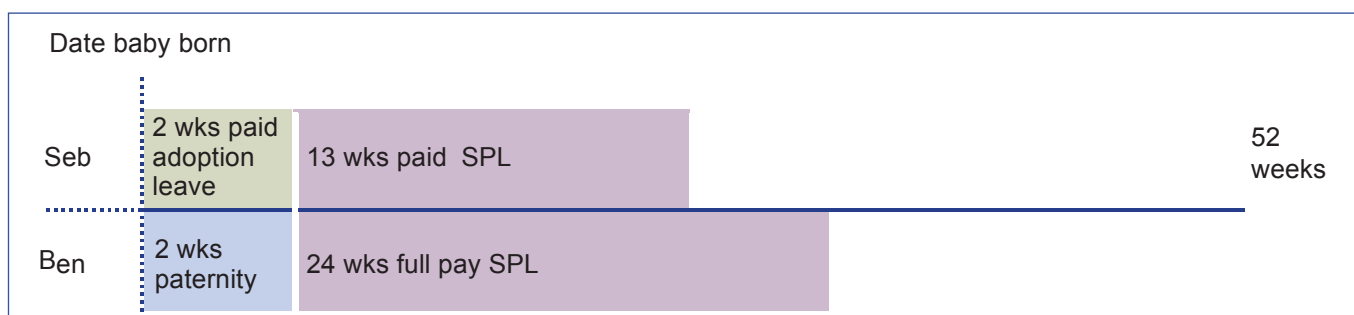
- 37 weeks untaken adoption leave are converted into 37 weeks paid shared parental leave, and
- 13 weeks unpaid adoption leave are converted into 13 weeks unpaid shared parental leave.

Ben, the civil servant, takes 24 weeks paid shared parental leave at full pay (26 weeks entitlement – 2 weeks paid adoption leave).

Seb takes 10 weeks paid shared parental leave at full pay (12 weeks entitlement – 2 weeks paid adoption leave) and 3 weeks shared parental leave at statutory pay.

They decide not to take the 13 weeks unpaid shared parental leave available to them.

As a couple they take a total of 39 weeks paid adoption leave and paid shared parental leave combined.



Planning your Shared Parental Leave and Shared Parental Pay

Talking to your manager

Once you have some idea what you might want to do, you should talk to your manager. This way you can discuss when you would like to begin your leave, how long it will be for and if you want to take it in one block or a number of separate blocks.

Having early discussions will help you to agree the time off that you need and help your manager think about how this will affect the business.

You may find it helpful to complete the shared parental leave planner at [Annex B](#) and to go through this with your manager.

Remember your partner will also need to have these discussions with their employer.

Applying for Shared Parental Leave

You should apply at least eight weeks before you want your shared parental leave to start.

This is called the eight-week notice period. This eight-week notice period also applies to the start of any changed arrangements you ask for. Remember your partner will also have to let their employer know when there has been a change.

Your manager cannot refuse your request if you meet the eligibility requirements and you are taking your shared parental leave in a single block. However, if you make an application for a number of separate blocks of leave, your manager doesn't have to agree if they feel the business couldn't support this pattern. Your manager should talk to you about your request. You may be able to work out a compromise.

It is best if you and your manager can agree a pattern that suits both you and the business. If this isn't possible, you have the legal right to take a single block of shared parental leave.

Applying when you haven't sorted out all the details with your manager

If you have not sorted everything out in advance with your manager, you can do so during the first two weeks of the eight-week notice period. You can withdraw or change your application during these first two weeks without it affecting your right to submit three applications. If you want to change your application after these first two weeks, this will count as a second application

Exercising the right to take a block of leave

If your manager refuses your request to take your shared parental leave in separate blocks, you have five days from the end of the first two-week period to let your manager know the dates of the single block of shared parental leave which you will be taking. This is also what you can do if your manager fails to respond to your request.

Example – one application for separate blocks of shared parental leave

Mark wants to take 8 weeks shared parental leave in separate blocks.

He wants to take 2 weeks after his paternity leave and return to work for 4 weeks.

He then wants to take a further 6 weeks shared parental leave.

Mark makes one application for the two blocks of leave.

Mark's manager refuses the request as she feels the business cannot support it.

Mark lets his manager know, within five days of the end of the first two week notice period, that he will be taking his shared parental leave in a single block following his paternity leave.

This means Mark will take 10 consecutive weeks - 2 weeks paternity leave and 8 weeks shared parental leave.

Applying for Shared Parental Leave

Second and third applications

You can make up to three applications for shared parental leave, including your original application. You can apply to take more leave or to change the pattern of your leave.

Each time you put in an application, you can take the shared parental leave you are asking for in a single block.

So if you put in three applications, you can take your shared parental leave in up to three blocks provided you give the right notice.

Example – two applications for shared parental leave

Jenny decides to take 16 weeks shared parental leave.

She gives eight weeks' notice and is able to take 16 weeks shared parental leave after her adoption leave finishes.

During her shared parental leave, Jenny decides she'd like to take another 4 weeks shared parental leave.

Jenny puts in her second application eight weeks before she is due to start the further 4 weeks of shared parental leave.

Making an application

It is best to put in an application that you have already agreed with your manager. They can then tick it through. Remember that your partner has to apply to their employer at the same time.

Once you have agreed what your shared parental leave will be, you need to fill out the application form.

Once your application has been submitted

Your manager should let you know that they have signed off your application.

Shared services or the equivalent in your department should confirm that your proposed leave and pay arrangements have been agreed and should confirm your pay during your absence.

Babies born early or late in surrogacy arrangements

If your baby arrives sooner or later than expected, you need to talk to your manager and shared services (or equivalent) if this will change when you want to start your shared parental leave.

Generally speaking, if you have booked your shared parental leave to start within eight weeks of when your baby is due and your baby is born early, you can start your leave and pay earlier as long as you and your partner let both your employers know as soon as reasonably practical after the birth.

If you intend to start your shared parental leave more than eight weeks after your baby is due and your baby is born early, any changes to leave and pay will require eight weeks' notice.

Applying for Shared Parental Leave

A notice to vary your shared parental leave must be given as soon as practicable following the birth. However, this notice will not count as one of the three notices you can give to your employer.

If your baby is born late, you will need to speak to your manager and shared services (or equivalent) as soon as it is reasonably practical to do so.

Adoption date changes

You must tell your manager and shared services (or equivalent) within 28 days if the date of placement (or UK arrival date for overseas adoptions) changes.

Working with your partner's employer

Some employers have clear shared parental leave policies and give enhanced shared parental pay. For other employers, your partner's application may be their first experience of shared parental leave.

Your department will not become involved in discussions with your partner's employer. This is because they will not know the details of your partner's employment terms and conditions.

In talking to their employer, your partner may find it helpful to refer to the BEIS guidance <https://www.gov.uk/guidance/shared-parental-leave-and-pay-guidance-and-tools-for-parents>

Legal rights

You may wish to be aware of your core legal rights. The relevant legislation is the Shared Parental Leave Regulations 2014 and the Shared Parental Pay Regulations 2014 or, in Northern Ireland, the Shared Parental Leave Regulations (Northern Ireland) 2015 and the Shared Parental Pay Regulations (Northern Ireland) 2015. These regulations provide the following.

- Both members of a couple have a legal right to take up to 50 weeks of shared parental leave between them if they both meet the eligibility rules. This can be taken after the primary adopter has taken their two weeks compulsory adoption leave.
- Shared parental leave must be taken within one year of adoption, or up to the child's 18th birthday, whichever comes first.
- If you are having a baby through a surrogacy arrangement, shared parental leave must be taken within 52 weeks of your baby being born.
- Both members of a couple have a legal right to up to 37 weeks of statutory shared parental pay between them if they meet the eligibility rules.
- Each time you apply, you have a legal right to take your shared parental leave in a single block. You can submit up to three applications which means you can take it in three separate blocks. However, your employer can agree to your taking it in a larger number of blocks. Each block must be made up of whole weeks.
- A primary adopter must give notice that they will end their adoption leave and pay early to opt into shared parental leave and pay. The amount of shared parental leave and pay available is automatically reduced by the amount of adoption leave and pay taken.
- You must give eight weeks' notice each time you apply to take shared parental leave.

Keeping in touch and returning to work

It can be helpful to keep in touch with your manager and colleagues during your shared parental leave. Before you go on leave, agree with your manager how you would like to do this.

If you are taking a few weeks away, some phone calls with your manager may be enough. You can use these to discuss any concerns you may have and to find out what is happening at work.

If you are going to be away for a number of months, you may want a more formal arrangement for keeping in touch.

Shared parental leave keeping in touch (SPLIT) days

Once you have opted into shared parental leave, your or your partner's adoption keeping in touch days will stop. However, you will get a new entitlement.

During your shared parental leave, you can have up to 20 SPLIT days. Your employed partner can also have up to 20 SPLIT days.

You may wish to come into the office occasionally, attend some key meetings, do some training or join your colleagues for a team event.

You may also wish to use your SPLIT days as part of a phased return to work, coming into work for a few hours or days a week just before your shared parental leave finishes. You may find this helps you ease back into work.

Keeping in touch days are optional. You and your manager should agree what would suit you both.

If you are on shared parental leave with full pay and use a SPLIT day, you will not get any payment on top of your full pay.

If you use a SPLIT day while you are getting statutory shared parental pay, your pay may be topped up to full pay.

If you use a SPLIT day while you are on unpaid shared parental leave, you may be paid your full contractual pay.

Talk to shared services (or equivalent) about how you apply to be paid for the SPLIT days which you take and what pay you will be eligible for.

Keeping in touch and returning to work

Example – civil servant takes 6 SPLIT days

Siddiq agrees to use some of his SPLIT days to help him ease back into work.

- The first week, he will work Tuesday to attend a series of meetings (1 day).
- The second week, he will work Monday to catch up with emails and Wednesday to do mandatory e-learning (2 days).
- The third week, he will work Monday to do refresher training, Wednesday to go through the work he will be doing on returning to work and Friday to meet with his team (3 days).

Siddiq has worked 6 full days so will be entitled to 6 days at full pay. As he is on statutory shared parental pay, he will have 6 days of this topped up to full pay.

Annual leave and privilege days

During your shared parental leave, you will continue to build up your annual, public and privilege leave.

You can take your annual, public and privilege leave before or after your weeks of shared parental leave. You will need to speak to your manager and apply for the leave in the normal way.

Returning to work

If you are returning to work on the agreed date, you should speak to your manager to confirm the date and to discuss what you will be doing on your return.

If you wish to return to work early, then you need to speak to your manager as soon as possible so any cover arrangements can be reviewed. You also need to give eight weeks' notice of your new return date.

You have the right to return to the same job if your adoption/paternity and shared parental leave combined do not add up to more than 26 weeks.

When your adoption/paternity and shared parental leave exceed 26 weeks, if it is not reasonably practical to return to the same job, you have the right to return to another job that is suitable and appropriate.

Guidance for managers

Having early discussions

It is a good idea to talk to your team member at the earliest opportunity about their plans for taking leave. This will help you to think about the likely impact on the business. There is some really helpful advice for both you and your team member in the Parental Leave Guide on Civil Service Learning.

Remember either or both parents may plan to take leave. A primary adopter can take adoption leave before and after the child comes to live with them. For employees having a baby through a surrogacy arrangement, adoption leave can begin the day the baby is born, or the following day if the employee is at work.

The partner of the primary adopter can take paternity leave after the child comes to live with them or, for employees having a baby through a surrogacy arrangement, after the baby is born. Both parents can opt to take shared parental leave during the first year after the child is adopted or up to their 18th birthday, if this is sooner. In surrogacy arrangements, shared parental leave can be taken up to 52 weeks of the baby being born.

You will also want to discuss any plans your team member has to take annual leave in addition to their shared parental leave, to take a career break or to change their working pattern when they return to work.

Supporting your team member

Shared parental leave can seem quite complicated. Before talking to your team member, it is a good idea to read the guidance available to you.

You will both find the process easier if you can agree the leave arrangements before a formal application is submitted. This is because any changes you agree with your team member will need to go into their partner's application. If you don't agree with what your team member is proposing, try to suggest an alternative.

You may find it helpful to go through the guidance together. You and your team member may also find it helpful to talk to HR or shared services (or equivalent). They may wish to talk to other parents who have taken shared parental leave, to have a mentor or buddy and to join a support group.

Handling an application

When you countersign an application for shared parental leave, do your best to check that:

- if your team member is the primary adopter, they have applied to end their adoption leave and pay early
- your team member has given eight weeks' notice of when they want to start their shared parental leave
- as far as you are aware, your team member is eligible for shared parental leave
- they are applying for the shared parental leave agreed with you and their application appears to be in line with the guidance in this booklet.

Guidance for managers

If you are not sure, talk to HR or shared services (or equivalent). Because shared parental leave is complicated, it helps if everyone can work together to spot any mistakes and misunderstandings.

You cannot refuse a request for a single block of shared parental leave. If your team member asks to take shared parental leave in a number of separate blocks, you can:

- agree to the pattern of shared parental leave which your team member is asking for
- suggest a different pattern of leave
- refuse the pattern of shared parental leave.

Your team member has the right to take their shared parental leave in a single block. You cannot refuse shared parental leave outright.

Asking for extra information

For employees adopting a child, you can ask to see documents issued by the adoption agency, which include:

- the agency's name and address
- the date the adopter was notified of being matched with the child
- the date the child is expected to be placed with them.

You can also ask for the name and address of their partner's employer.

If your employee is having a baby through a surrogacy arrangement, you can ask to see:

- a copy of the child's birth certificate (once

this is available)

- the name and address of their partner's employer.

You should be given these within 14 days of asking for them. You do not have to speak to the other parent or their employer but you can do so if you wish.

Applications where everything has not been agreed in advance

If you receive an application which you have not seen before, you should deal with it straight away and try to sort out any issues within the first two weeks.

Your team member has to give at least eight weeks' notice that they want to start shared parental leave. During the first two weeks of this eight-week notice period, they can make changes without having to make a second application. They can only make three applications in total.

It is important that you talk to your team member within these first two weeks about any concerns you have. If necessary, they can then change the form to include any changes you agree. Remember that this may also mean changing the form that has gone to their partner's employer.

Once you and your team member are happy with the form, send it on to shared services or your departmental equivalent.

Guidance for managers

Dealing with further applications

Once you have agreed the shared parental leave arrangements, your team member can give you two more applications to change these. For each one, they must give you eight weeks' notice and, as with the first application, they can make changes within the initial two week period without this counting as a new application.

Changes that help both you and your team member can be agreed informally without this counting towards the limit of three applications. For example, you might agree to change the dates of a period of leave. Let shared services (or equivalent) know what you have agreed. However, you should ask for a formal application if the changes might affect your team member's shared parental pay or have a knock-on effect on their partner's pay or leave.

Deciding if a pattern of leave is right for the business

Issues you and your team member will want to consider are:

- are there any key deadlines which it would be helpful to work around
- is it possible to defer certain projects
- can work be allocated temporarily to another team member
- could someone new be brought in to cover the work temporarily
- who is going to look after any staff in your team member's reporting line
- would your team member be willing to use any of their SPLIT days to cover any important meetings?

Make sure you talk to your manager about the outcome of these discussions.

Keeping in touch with your team member

Before they start their leave, you should talk to your team member about how best to keep in touch during their shared parental leave.

You will wish to consider:

- emailing them updates about what is happening in their work area particularly if they do not have access to the departmental intranet
- setting up regular telekits to keep them in touch with developments. These are likely to be particularly helpful as they prepare to come back to work.
- agreeing any use of SPLIT days including any meetings or events it would be helpful for them to attend
- encouraging them to keep in touch with colleagues
- if they are applying to return to another post, supporting them in looking for suitable vacancies
- helping them if issues arise about their shared parental leave or pay
- handing over the keeping in touch arrangements to the new manager if you move on while your team member is still away.

Keeping in touch helps your team member feel that the organisation still cares for them so try to put some arrangements in place.

Guidance for managers

Supporting your team member back to work

In supporting your team member back to work, you will wish to:

- ensure that they do not come back to a backlog of work which has come in while they were absent. This can be stressful and demoralising
- encourage them to link up with other parents, for example through departmental support groups and mentors
- act where other team members make comments, particularly to male colleagues, trivialising their time away, for example by referring to it as 'a holiday'. As a manager, you have an important role to play in creating a culture where it is the norm for both parents to share child-caring responsibilities
- ensure that parents who have taken shared parental leave are treated fairly in performance management reviews.

Your team member has the right to return to the same job if their parental leave totals 26 weeks or less even if this is taken in a number of separate blocks.

If your team member takes more than 26 weeks leave, they have the right to return to the same job or a similar one if this is not reasonably practical.

Generally, it will be easier for your team member to return to the same job. They may find it difficult to find an alternative job by the date they want to come back unless you are able to arrange something in your work area.

Annex A - Extra advice if your situation is not straightforward

This annex gives advice on how shared parental leave works if your circumstances are not straightforward. If you cannot find the answers to your questions in this booklet, you may wish to read the shared parental leave FAQs on your departmental intranet site. You may also wish to speak to your manager, HR team or shared services (or equivalent).

If you are on probation

You can still apply for shared parental leave and pay during your probation as long as you and your partner meet the eligibility conditions.

If the length of your absence will result in your manager being unable to assess your suitability for your role, your manager may recommend suspending your probation until you return to work.

The total duration of your probation period, in working time, will remain the same but it may be completed over a longer period to take into account your absence.

If you are promoted during your shared parental leave

If you are promoted while you are on shared parental leave, you will receive the new pay terms and conditions from the start date of the new post.

This may be during your shared parental leave or it may be a later date when you have returned to work. The fact that you are on shared parental leave cannot be given as the reason for a later start date.

This is because you are given the same protected rights during your shared parental leave as those who take other family-related leave such as adoption leave.

If you or your partner work for an agency

If either you or your partner work for an agency, and you both meet the conditions for shared parental leave, you may still be eligible for shared parental leave and shared parental pay. However, only an employee can take the shared parental leave. Agency workers may be eligible for statutory shared parental pay.

If you are on a fixed term appointment (FTA) contract

If you are on an FTA contract, the same entitlements apply to you as to a permanent employee. This means if you meet the conditions, you can apply for shared parental leave.

If your shared parental leave ends before your FTA contract ends, you can return to work until you reach the end of your contract.

If your FTA contract ends during your shared parental leave and it has not been extended, your contract will come to an end in the same way it would have done if you had been at work.

If your partner is self-employed

If your partner is self-employed, they cannot take shared parental leave. This is because you have to be an employee to take shared parental leave.

However, if you and your partner satisfy the eligibility conditions for shared parental leave, you, as the employee, could take the shared

Annex A - Extra advice if your situation is not straightforward

parental leave and pay.

If you work for a department that gives 39 weeks shared parental leave on full pay

If you or your partner works for a department that offers more than 26 weeks at full pay, then you or your partner can get more paid leave.

For example, if your department offers 39 weeks shared parental leave at full pay, you will be eligible for up to a total of 39 weeks paid adoption leave and shared parental leave at full pay. Between you, you will not be able to take more than 39 weeks paid adoption leave and shared parental leave at full pay and neither of you will be able to take more than what your department offers.

Example - civil servant works for a department that offers 39 weeks shared parental leave at full pay

Jane and Tracey are both civil servants.

Jane's department offers 26 weeks shared parental leave at full pay, 13 weeks shared parental leave at statutory pay and 13 weeks unpaid shared parental leave.

Tracey's department offers 39 weeks shared parental leave at full pay and 13 weeks unpaid shared parental leave.

Jane takes 2 weeks paid adoption leave and ends her adoption leave early to opt into shared parental leave.

She converts 50 weeks untaken adoption leave into 50 weeks shared parental leave. This means:

- 37 weeks untaken paid adoption leave are converted into 37 weeks paid shared parental leave, and
- 13 weeks unpaid shared adoption leave are converted into 13 weeks unpaid shared parental leave.

Jane is entitled to 24 weeks paid shared parental leave at full pay (26 weeks entitlement – 2 weeks paid adoption leave).

Tracey is entitled to 37 weeks paid shared parental leave at full pay (39 weeks entitlement – 2 weeks paid adoption leave).

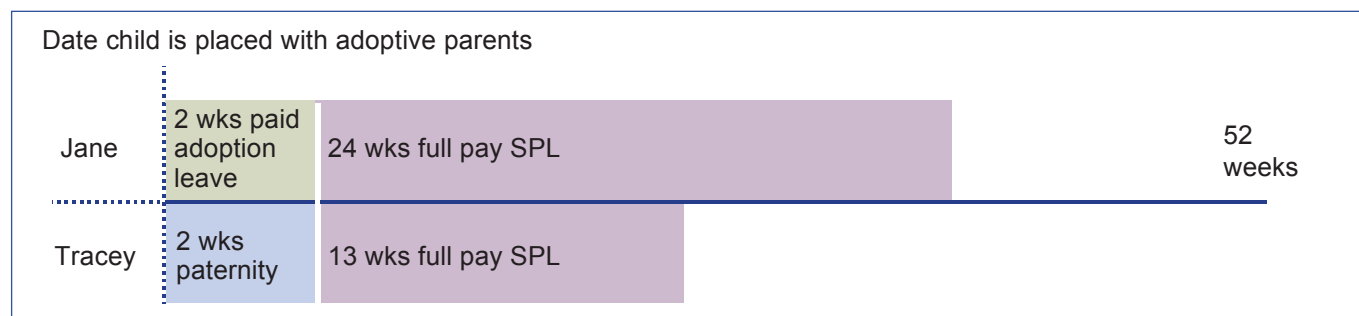
However, as a couple, they can't take more than 39 weeks paid maternity leave and paid shared parental leave combined.

Jane takes 24 weeks shared parental leave at full pay. This means there are only 13 weeks paid shared parental leave remaining (39 weeks paid adoption leave and paid shared parental leave – 2 weeks paid maternity leave and 24 weeks paid shared parental leave taken by Jane).

Tracey will take 13 weeks paid shared parental leave at full pay.

They decide not to take the 13 weeks unpaid shared parental leave available to them.

Annex A - Extra advice if your situation is not straightforward



If you are posted overseas

If you are posted overseas, this may affect whether you and your partner continue to be eligible for shared parental leave.

If you and your partner meet the eligibility requirements for shared parental leave, you must also:

- be employed and paid by a UK government department
- be under their terms and conditions
- pay UK tax and National Insurance, and
- be returning to your department once your overseas post has finished.

If your partner is employed on local terms and conditions, they would not qualify as an employee for the purposes of shared parental leave or shared parental pay.

If you change departments

If you change departments, you are still an employee of the Crown. The period you worked for your previous department will be counted towards your continuity of service, as long as there is no gap between posts.

This means if you have 26 weeks continuity of service and meet the other conditions for

shared parental leave, you will be entitled to shared parental leave and pay.

You may also be entitled to occupational shared parental pay. You will need to check your department's shared parental leave policy.

If you or your partner has more than one job

If you or your partner has more than one job and you meet the conditions for shared parental leave for each job, you or your partner will be entitled to take shared parental leave from each employer.

If the primary adopter wants to opt into shared parental leave and has two (or more) jobs, they must end their adoption leave early for each of their jobs. The primary adopter can't opt into shared parental leave if they only end their adoption leave early with one employer.

They do not have to end their adoption leave on the same date with each employer. However, the number of weeks of shared parental leave is calculated by deducting the highest number of weeks of adoption leave the primary adopter takes.

Annex A - Extra advice if your situation is not straightforward

Example – primary adopter ends their adoption leave at the same time with both employers	Example – primary adopter ends their adoption leave at different times with their employers
<p>Giovanni has two jobs and ends his adoption leave with both employers after 10 weeks.</p> <p>Giovanni can convert 42 weeks into shared parental leave (52 weeks minus 10 weeks).</p>	<p>Jessie has two jobs and takes 10 weeks adoption leave from her first job and 12 weeks adoption leave from her second job.</p> <p>Jessie can convert 40 weeks into shared parental leave (52 weeks minus 12 weeks).</p>

If either you or your partner works part-time

Shared parental leave is calculated in weeks. This will be the normal working week that applies to you. This means that if your working week is three days, your shared parental leave week will be the three days you normally work plus the two days you do not work.

For shared parental pay, if you are entitled to the full pay element of shared parental pay, you will be paid your normal monthly salary.

Annex B - Supporting tools - Shared parental leave planner

Use this to plan and record both you and your partner's adoption leave and shared parental leave and how you will share the pay entitlement. It will allow you to assess the amount of shared parental pay you will receive as a couple and help to inform your manager and shared services (or equivalent) of your plans.

How to complete the planner

Once you have entered the start date of your adoption leave, you should follow the three steps below to ensure you correctly complete the planner.

Step 1 – Planning your leave

Enter, in column A, the total amount of adoption leave the primary adopter will be taking. Adoption leave can start before the child is placed with you or, if you are having a baby through surrogacy arrangements, when the baby is born. However, it must include the compulsory two weeks adoption leave.

Then decide how to share the remaining weeks as shared parental leave between you and your partner. Shared parental leave can be taken within the first year of the adoption or until the child's 18th birthday, whichever is sooner. If you are having a baby through a surrogacy arrangement, leave can begin the day the baby is born, or the following day if you were at work.

Enter this information in columns A and B. The total number of weeks of adoption leave and shared parental leave added together must not exceed 52. However, paternity leave does not count towards this total and can be taken in addition.

Annex B - Supporting tools

Shared parental leave planner

Step 2 – Planning your pay

In column C, enter the amount of statutory or occupational adoption pay against all your adoption leave weeks.

Agree with your partner how you will share the remaining number of weeks of pay between you. The total number of weeks of adoption pay and shared parental pay must not exceed 39 weeks.

A self-employed primary adopter will not be eligible for shared parental pay but may make their partner eligible.

In columns C and D, record how you will allocate the occupational and statutory shared parental pay against the shared parental leave weeks that you have recorded in columns A and B.

Most civil servants are eligible for 26 weeks adoption leave/shared parental leave at full pay. To calculate your entitlement to shared parental leave at full pay, you must first deduct any weeks of adoption leave which the primary adopter takes. You do not need to deduct paternity leave.

If you and your partner are both employed by the Civil Service, you will receive no more than 26 weeks full pay in total between the two of you. (See [Annex A](#) if one of you works for a department which gives 39 weeks on full pay)

In addition to 26 weeks at full pay, civil servants can take 13 weeks at statutory pay.

Non-civil service partners may be eligible to take adoption leave at full pay or statutory pay and also shared parental leave at full pay or statutory pay. All couples are entitled to a maximum of 39 weeks on statutory pay between them.

It makes no difference to a civil servant's eligibility for shared parental leave at full pay whether their partner is entitled to shared parental leave at full pay or statutory pay.

Shared Parental Leave Planner

Name:		Staff/payroll number:		
Enter: Start date of adoption leave	LEAVE		PAY	
	AL adoption leave PL paternity leave SPL shared parental leave	COMBINED TOTAL (excluding paternity leave) MUST NOT EXCEED 52 WEEKS		OAP occupational adoption pay SAP statutory adoption pay PP paternity pay OSPP occupational shared parental pay SSPP statutory shared parental pay UP unpaid
	COMBINED TOTAL (excluding paternity pay) MUST NOT EXCEED 39 WEEKS			
Weeks before the child starts living with you	Column A	Column B	Column C	Column D
	Primary adopter	Secondary adopter	Primary adopter	Secondary adopter
2		X		X
1		X		X
Date child comes to live with you/is born				
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				

Week no.	LEAVE		PAY	
	AL adoption leave PL paternity leave SPL shared parental leave COMBINED TOTAL (excluding paternity leave) MUST NOT EXCEED 52 WEEKS		OAP occupational adoption pay SAP statutory adoption pay PP paternity pay OSPP occupational shared parental pay SSPP statutory shared parental pay UP unpaid COMBINED TOTAL (excluding paternity pay) MUST NOT EXCEED 39 WEEKS	
	Column A	Column B	Column C	Column D
	Primary adopter	Secondary adopter	Primary adopter	Secondary adopter
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
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24				
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Week no.	LEAVE		PAY	
	AL adoption leave PL paternity leave SPL shared parental leave COMBINED TOTAL (excluding paternity leave) MUST NOT EXCEED 52 WEEKS		OAP occupational adoption pay SAP statutory adoption pay PP paternity pay OSPP occupational shared parental pay SSPP statutory shared parental pay UP unpaid COMBINED TOTAL (excluding paternity pay) MUST NOT EXCEED 39 WEEKS	
	Column A	Column B	Column C	Column D
	Primary adopter	Secondary adopter	Primary adopter	Secondary adopter
46				
47				
48				
49				
50				
51				
52				
Total no. of weeks	A + B minus any paternity leave = no more than 52 weeks		C + D minus any paternity pay = no more than 39 weeks	
			Check also that total weeks on adoption pay plus total weeks on shared parental leave at full Civil Service pay does not exceed 26 weeks (or 39 weeks if you work for a department which offers 39 weeks on full pay)	

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