

Shared Parental Leave Policy and Procedure

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Key messages

We are delighted to be able to help new parents with welcoming their new baby to their family! Being committed to equality, diversity and inclusion and wanting to make it possible for you to take time away from work and care for your family, we offer parents shared parental leave and pay which can be further enhanced through the ICO scheme.

The main objective of this policy and procedure is to provide:

- Information regarding statutory shared parental leave and pay entitlements and the additional paid leave enhancement offered by the Information Commissioner's Office.
- To confirm the procedure for applying for shared parental leave and pay, and to ensure the correct care and support is provided to

employees on shared parental leave by people managers, People Services, and any other relevant departments. This document does not contain details of the rights for new parents to either adoption, secondary carer or maternity leave. Please refer to the separate policies in the Policies Hub on Iris for further information.

Does this policy relate to me?

All employees of the ICO have the right to shared parental leave provided they meet the eligibility criteria set out in this policy.

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Introduction

- 1.1. Shared Parental Leave (ShPL) is designed to give parents more flexibility in how they share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave and pay and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

- 1.2. The benefits can be used alongside, or instead of, traditional maternity or adoption leave. Please see the ICO's separate Maternity Pay and Leave Policy and Procedure and Adoption Policy and Procedure for further details.
- 1.3. ShPL can be taken by the partner at the same time as the mother/adopter is on maternity or adoption leave, providing the mother/adopter reduces their entitlement to maternity/adoption leave and has confirmed this in writing.
- 1.4. To decide whether ShPL is suitable for you, you may wish to consider the following:
 - whether you or your partner qualify for ShPL and how you would like to share the care of your child;
 - whether you or your partner are prepared to reduce maternity or adoption leave;
 - whether you or your partner have any contractual entitlement to enhanced maternity, adoption, paternity, shared parental pay and how would reducing maternity or adoption leave impact on this;
 - availability of other legal rights (such as flexible working requests, annual leave, and parental leave) and how they could work for you alongside ShPL; and
 - the wider financial implications to the family, eg. pay and pensions.

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2. Eligibility

- 2.1. To be eligible for ShPL and pay you must be one of the following:
 - the mother of the child;
 - the father of the child (in the case of birth);

- the spouse or partner of the mother (regardless of your gender);
- the child's adopter; or
- the intended parent (if you are having a baby through a surrogacy arrangement).

2.2. Both parents must share the main responsibility for the care of the child at the time of the birth. In relation to adoption, this is the date of placement or when the child enters Great Britain for overseas adoption.

2.3. In addition, to qualify for ShPL, employees must satisfy the following:

- The mother/adopter must have ended or given notice to reduce any maternity/adoption entitlements.
- The employee must still be employed by the organisation at the start of each period of ShPL.
- The employee must have a minimum of 26 weeks service at the end of the 15th week before the child's expected due date/matching date.
- The employee's partner must have worked for at least 26 weeks and meet the 'employment and earnings test' ie., earned minimum average amount* in any 13 weeks in the 66 weeks leading up to the child's expected due date/matching date.
- The employee must correctly notify the organisation of their entitlement and provide the required evidence as set out in section 4.

2.4. In addition, to be eligible to claim Statutory Shared Parental Pay (ShPP) an employee must also meet the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period.

- The employee must intend to care for the child during the week in which ShPP is payable.
- The employee must have average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date not less than the lower earnings limit for national insurance contributions.
- The employee must remain in continuous employment until the first week ShPP has begun.
- The employee must give proper notification in accordance with the rules set out below.

*please see www.gov.uk for the current minimum average earnings amount.

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3. Entitlements

3.1. The amount of ShPL and ShPP that you are entitled to is determined by your length of service:

- (i) **Fewer than 26 weeks continuous service at the 15th week before the Expected Week of Childbirth (EWC)/matching date.**
 - There is no entitlement to ShPL or ShPP.
- (ii) **At least 26 weeks service at beginning of the 15th week before the EWC, ('The State Scheme')**
 - Leave: Up to 50 weeks of ShPL during the child's first year with the family.
 - The amount is calculated using the mother's/adopter's entitlement to maternity/adoption leave. If they reduce their entitlement, then any remaining weeks can be taken as ShPL.

- Pay: ShPP for up to 37 weeks for birth parents or up to 39 weeks for adopters depending on the amount by which the mother/adopter reduces their maternity or adoption pay AND which, if any, weeks of ShPL are taken by the mother of the child.

N.B. This level of entitlement applies if you are eligible for the ICO scheme but do not intend to return to work after ShPL.

(iii) **1 or more years of service at the beginning of the 11th week before your EWC, ('The ICO Scheme')**

- Leave: Up to 50 weeks of ShPL during the child's first year with the family.
- Pay: The ICO offers enhanced benefits which mirror those described in the Maternity Leave and Adoption Leave policies. Two weeks at the rate of full pay must be deducted to account for the period of compulsory maternity leave.
- The maximum provision is up to 37 weeks at full pay for birth parents, and 39 weeks at full pay for adopters (including ShPP). The remaining 13 weeks of ShPL are unpaid.

3.2. **Full pay amount:** All payments made at the full pay amount are inclusive of ShPP entitlement.

3.3. **Statutory Shared Parental Pay amount (ShPP):** This rate of payment is set by the Government and is reviewed annually. Please contact the Pay & Reward team to confirm the current rate of ShPP or follow the link to the government website detailed in the 'Further information' section, at the end of this document.

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4. General Principles

- 4.1. While on ShPL you are entitled to the benefit of your normal terms and conditions of employment except for terms relating to salary.
- 4.2. You are entitled to return to the same job following ShPL. If this is not reasonably practicable, for example your role no longer exists due to restructuring you will be offered a similar role on the same terms and conditions. In such cases you will be consulted with in advance of your return in accordance with the ICO Restructuring and Redeployment Guidance.
- 4.3. You are protected from suffering unfair treatment or dismissal for taking, or seeking to take, ShPL.
- 4.4. You will not be excluded from communication and consultation because of absence due to ShPL.
- 4.5. You will not be dismissed for a reason connected with ShPL.
- 4.6. These provisions apply equally to full time or part time employees.
- 4.7. We will ensure Career Banding will not be affected as a result of taking ShPL.
- 4.8. If you take ShPL, and are a member of a trade union, you may be eligible to pay reduced subscriptions or have them waived whilst on ShPL. You should contact your trade union membership department to confirm that you are on ShPL and inform your union's branch secretary if you wish to receive union communications during your ShPL.
- 4.9. We understand that before you go on ShPL or after you return, you may require (additional) adjustments to help you bring your best self at work and care for your family. We encourage you to contact your people manager to explore the options available to you. Flexible working schedules will be considered upon request.

Examples of such arrangements include, but are not limited to the following:

- Reduced or compressed working hours
- Part-time employment options
- Extended hybrid home/office-based work arrangements
- Job-sharing

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5. Procedure

5.1. Letting us know

- a. Notifying your people manager and People Services:** You must notify your people manager and People Services of your entitlement to and intention to take ShPL at least eight weeks before any period of ShPL.
- b. Meeting with the People Services:** After being notified of your eligibility and intention to take ShPL, People Services will contact you and arrange an informal meeting to discuss your individual eligibility and to fully explain the contents of this policy and procedure to you. They may also ask you about your intentions and how you expect to use your ShPL entitlement, although you are under no obligation to commit to any plans at this stage if you have yet to submit a notification of a period of ShPL.
- c. Written confirmation:** You must provide the correct written notification to confirm your eligibility conditions and entitlements, including a signed declaration. You must also provide the ICO with a signed declaration from your partner. This should be done using the 'Notification ShPL' form (HR-SPL1) – see section 10.
- d. Further evidence of eligibility:** The ICO may, within 14 days of the ShPL entitlement notification ask for further information from you as follows:

- The name and business address of the partner's employer (where the partner is not employed or is self-employed their contact details must be given instead).
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which notification of being matched with the child was made by the agency and the date on which the agency expects to place the child for adoption.
- When having a child through surrogacy, the documentary evidence must show the written statement ('statutory declaration') to confirm you've applied or will apply for a parental order in the six months after the child's birth and must sign this in the presence of a legal professional.

This information must be provided to the ICO within 14 days of the request.

- e. **Fraudulent claims:** The ICO can, where there is suspicion that a fraudulent claim may have been made or where the ICO has been informed by HMRC that a fraudulent claim was made, investigate the matter further in accordance with the ICO's normal disciplinary procedures.
- f. **Caring responsibility ends:** If your circumstances change and you no longer have caring responsibilities for the child (except if the child has died) your entitlement to ShPL and ShPP will immediately cease, and you must notify the ICO.

5.2. **Planning your leave**

- a. **Notification to take leave:** In addition to notifying the ICO of your entitlement to ShPL/ShPP as described in section 5.1 of this policy, you must also give notice to take leave. In many cases this is likely to be given at the same time as the notice of entitlement to ShPL. Please use forms 'Notification of ShPL

period' Form HR- SPL2 for a continuous leave period or form HR-SPL3 for discontinuous leave - see section 10 for further information.

You may submit up to three separate notifications specifying leave periods you are intending to take.

- b. **Continuous leave notifications:** A notification can be for a period of continuous leave, which is a notification of a number of weeks taken in a single unbroken period of leave (for example six weeks in a row). The period must not exceed the total number of weeks of ShPL available to you (specified in the notice of entitlement) and the notification must be given at least eight weeks before the start of the ShPL period in question. Continuous leave notifications submitted within the correct timeframe cannot be refused by the ICO.
- c. **Discontinuous leave notifications:** A notification may contain a request for two or more periods or discontinuous leave, which is where you request a set number of weeks of leave over a period of time, with breaks in between the leave where you intend to return work (for example, an arrangement where you take six weeks of ShPL and work every other week for a period of three months).

The ICO may seek to arrange a meeting to discuss discontinuous leave notifications where there is concern over accommodating the request. The meeting will be arranged with the view to agreeing an arrangement that meets both your needs and those of the ICO (section 5.3 provides further details about these meetings).

The ICO will consider discontinuous leave but has the right to refuse it. If the leave pattern is refused, you may either withdraw it within 15 days of submitting it, or you can take the leave in a single continuous block. Each request will be considered on an individual basis. Any agreement to a particular pattern of ShPL will be decided on a case-by-case basis.

If you choose to take the leave in a single continuous block, you must decide and confirm the date you want the leave period to begin within 19 days from the date your original notification was made. The leave cannot start sooner than eight weeks from the date your original notification was submitted. If you do not decide and do not confirm a start date, then default provisions will apply, and your leave will begin on the first leave date requested in your original notification.

If you withdraw your discontinuous leave notification within 15 calendar days of the original notification this will not count as one of your three notices to book leave.

- d. **Written response to your leave notification:** The People Services team will respond to your notification for ShPL within 14 days from the date your request is submitted.
- e. **Changes to your ShPL:** If you wish to make any changes to your agreed plans you will usually need to provide written notification at least eight weeks before the start of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation request, including notice to return to work early, will usually count as a new notification and so reduces the entitlement by one. However, a change as a result of a child being born early or the ICO requesting a change and the employee being agreeable to the change, will not count as of the three permitted notifications. Any variation will be confirmed in writing by People Services.

- f. **Withdrawing notice to end maternity/adoption leave:** Once a mother has given notice to end maternity/adoption leave and either parent had informed their employer of their entitlement to take ShPL then the notice to end maternity leave is binding and cannot be withdrawn unless:
 - within eight weeks of the mother submitting notice to end their maternity/adoption leave it transpires that neither parent qualifies of ShPL or ShPP;

- when notice was given before the birth, it may be withdrawn without reason up to six weeks following the birth; or
- the mother's partner dies.

5.3. **Discontinuous leave notifications or variation**

On receipt of a notification for discontinuous leave or a variation to a discontinuous leave agreement, the ICO will need to consider the impact on the business and how the leave can be managed operationally.

The ICO may therefore decide to arrange an informal meeting with you to discuss your request further. Although this is an informal meeting, you may be accompanied to the meeting by a colleague or union representative.

The meeting will be held in private and arranged in advance at a mutually convenient time and place.

Modifications to the discontinuous leave notification may be suggested by either party at the meeting. Any agreements reached at the meeting will be confirmed to you in writing.

If modifications are suggested but are not agreeable, then the notification could be deemed unacceptable by the ICO. Where this is the case the ICO will confirm this to you in writing within 14 days from the date your notification was given. This written notification may propose alternative dates for you to consider and will confirm the ICO's refusal to your notification of discontinuous leave. It will also outline your options in regard to your right to withdraw your notification and the default provisions as described in section 5.2.

5.4. **Returning from ShPL**

You will have received written confirmation of the end date of any period of ShPL. You are expected to return to work on the next applicable working day after this date unless you notify the ICO otherwise. If you are unable to return to work due to ill health,

you should notify either your people manager or People Services as soon as reasonably practicable.

Any such period of sick leave will be dealt with in accordance with the ICO's Managing Sickness Absence Policy. In any other case, late return without prior notification will be treated as unauthorised absence.

5.5. Notification of your intention to return

If you wish to return to work earlier than your original agreed return date, you must give written notice at least eight weeks in advance of the new date. This notice will count as one of your permitted changes to your ShPL arrangements.

If you have used your maximum allowance of three notifications, you may still submit a request to alter your return date, but the ICO is under no obligations to accept your notice to return early. The ICO will, however, try to accommodate such requests whenever it is considered reasonably practical to do so.

You must submit your written notification to People Services who will notify your people manager. The ICO may postpone your return to work to your original agreed return date if you do not give eight weeks' notice in writing.

5.6. Role upon return

If you return to work after ShPL and your aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to fewer than 26 weeks, you are entitled to return to the same job you occupied and on the same terms of employment as before beginning maternity/paternity/adoption leave and the most recent period of ShPL.

If you return to work after ShPL and your aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to 26 weeks or more, you will usually return to your previous role unless this is not reasonably practicable. In such cases you will be consulted with in advance of your return from ShPL in accordance with the ICO Restructuring and Redeployment Guidance We will endeavour to do our best to find a suitable alternative role and if

this is not possible, then the existing redundancy procedure will be implemented.

5.7. **If you do not wish to return to work**

If you do not wish to return to work after ShPL you must give notice of termination as required by your contract of employment. Please inform your people manager of this in writing, copying in People Services.

You should be aware that if you do not return to work, or if you decide to leave the ICO of your own will within 13 weeks of returning from ShPL, we reserve the right to reclaim any amount above ShPP paid to you throughout your leave. Repayment of ICO enhanced shared parental pay can be expensive as you will have to pay back any money you have received above ShPP. If you think this situation may apply to you, please speak with a member of People Services who can provide you with an estimate of the cost.

This 13-week period will be extended if you reduce your hours when you return from ShPL. In these circumstances you will be required to work the equivalent number of days you would have worked in 13 weeks (or pro-rated amount) prior to your reduction in hours eg., if you were full time before starting ShPL and reduce to three days per week upon your return, you will be required to work 65 days, or around 22 weeks of your new working pattern.

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6. During your shared parental leave

6.1. Benefits

Continuity of employment: During your period of ShPL you will continue to accrue continuous service.

Pension: Pension contributions will continue to be made when you are in receipt of ShPP but not during any period of unpaid ShPL. Employee contributions will be based on your actual pay, while the ICO contributions will be based on the salary that you

would have received had you not been taking ShPL. Unpaid ShPL leave does not count as pensionable service.

If you are making additional pension contributions such as AVCs, purchasing 'added pension' or 'added years' you should speak with a member of People Services about the impact of being on ShPL on these contributions.

Annual leave: Annual leave will accrue at your normal rate during your ShPL.

Mobile phones/ laptops: If you have either a mobile phone, laptop, or other electronic device you are entitled to keep this for the period of your ShPL. You must, however, use it in accordance with the appropriate policies.

Childcare vouchers: If you received childcare vouchers via the salary sacrifice scheme before starting ShPL and continue to order vouchers during any period ShPL you will continue to receive vouchers when you receive ShPP only or zero pay, even though you are not in receipt of salary to sacrifice. The value of the vouchers may be up to, but not more, than that which you ordered in the period before your ShPL started.

Job opportunities: The ICO does not wish you to miss out on opportunities for promotion or progression. All internal job advertisements can be sent to a personal email account. You can discuss this during your meeting with a member of the People Services team.

Staying in touch: During your period of leave, the ICO wishes to respect your special time with your new child, so we will not contact you if we can avoid it. However, if there are any significant changes in the business area in which you work or if training opportunities arise your people manager will contact you to make sure that you are kept up to date with our current business position. There is, however, provision for 'Shared Parental in touch' days which is described below.

6.2. Shared Parental in touch' days (SPLIT days)

Driven by our commitment to care, we believe in the importance of helping parents to stay connected with their workplace. You may opt in for reasonable contact from time to time with your people manager during your ShPL period without bringing your ShPL to an end. You can also work up to 20 days by mutual agreement without losing ShPP during your ShPL. Important points to note include the following:

- You can attend work for one hour, such as for a team meeting, or a whole day. This will still count as a SPLIT day.
- The decision to have a SPLIT day must be made by mutual agreement between you and your people manager. You are under no obligation to accept a SPLIT Day if offered.
- The SPLIT Day will not bring your ShPL period to an end.
- If you do attend a SPLIT Day, you can either choose to be paid for the time you are in work (if you are no longer in receipt of full pay), or you can accrue time off in lieu (TOIL) for the time that is agreed for you to be in work. For example, if you come in for a one-hour team meeting, you can either be paid for one hour's work, or you can accrue one hour of TOIL, if you come in for a full day, you can be paid for one day's work or you can accrue 7 hours 24 minutes of TOIL.
- Your people manager will notify People Services of your SPLIT Day. People Services will then make the appropriate payment or adjustment to your TOIL balance on Workday.

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7. Neonatal care leave

- 7.1. You are entitled to take neonatal care leave if your baby receives neonatal or palliative care for a continuous period of seven days or more in the 28 days following birth. Neonatal care leave is in addition to ShPL leave. Details of the leave and pay available are given in the Neonatal Care Leave Policy.

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8. Frequently asked questions

8.1. **Do I need to plan to take my ShPL on a particular day?**

No, ShPL can start on any day of the week to suit your needs.

8.2. **My partner has given birth before I had planned to go on ShPL, what do I need to do?**

You must contact either People Services or your people manager as soon as reasonably practicable to inform them of the birth. The ICO will try to be as flexible as possible about the date on which your ShPL starts.

8.3. **My partner was due to give birth a week ago, but the baby has not arrived, and I had expected to start my ShPL by now. What should I do?**

Please contact either your people manager or People Services to let them know the situation. The ICO will try to be as flexible as possible about the date on which your ShPL starts to take account of the baby's late arrival.

8.4. **My people manager would like me to come into work for a 'Shared Parental in touch' (SPLIT) day. Do I have to come in to work?**

No, SPLIT days must be mutually agreed and you will not suffer any detriment because you do not wish to come in for a SPLIT day. Equally if you would like to work for a few SPLIT days during your ShPL, but your manager does not want you to, you will not be able to work.

8.5. **Am I entitled to accrue the three privilege days that occur between Christmas and New Year and take them at another time if I am on shared parental leave at Christmas?**

Yes, you will be granted additional days leave in lieu of any public and privilege holidays that fall during your ShPL.

8.6. I am expecting twins/adopting more than one child at the same time is there extra entitlement to ShPL and ShPP?

No, the entitlements are the same.

8.7. What happens if my baby doesn't live?

Losing a baby can be traumatic and is a deeply personal experience that affects people differently. At the ICO, we support all employees who may experience this loss and we are conscious that whether you are pregnant or a partner, you may need time to recover either emotionally and/or physically.

If your baby dies before or during birth, or within the first year, there is legislation to define what happens in such sad circumstances in relation to a woman's maternity rights. These are outlined in the ICO Maternity Leave Policy and Procedure.

In relation to ShPL, should your child die before you have submitted a notice of entitlement to take SPL then you cannot opt into ShPL because the qualifying condition is that you would be caring for the child. There is still likely to be entitlements for the mother and mother's partner in relation to maternity leave and paternity leave.

If you have opted into ShPL and booked leave, you will still be entitled to take the booked leave. No further notification to book ShPL can be submitted and you can submit only one variation notice to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block.

If you are absent on ShPL you can of course cancel agreed ShPL and return to work by giving the ICO eight weeks' notice of your return.

You may also be entitled to Parental Bereavement leave and Pay. Please refer to the section on Parental Bereavement Leave within the Special Leave Policy.

8.8. **What happens if either partner dies?**

In the sad circumstance where either parent should die during the child's first year, if the other parent is taking, or is entitled to ShPL then they will continue to be eligible. Any ShPL entitlement that was due to be taken by the deceased parent may be transferred to the other parent if they are eligible for ShPL. You would be allowed to submit one further notification to book or amend ShPL if you have already used your maximum of three notifications.

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9. Further information

- 9.1. The government's website which answers specific queries on shared parental pay and leave can be found at:

<https://www.gov.uk/shared-parental-leave-and-pay>

- 9.2. Further help and guidance can be found on the ACAS website at:

<https://www.acas.org.uk/shared-parental-leave-and-pay>

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10. Related forms

The following forms can be found in the '[Self-service forms](#)' area of the People and EDI Hub on Iris:

- Notification of Shared Parental Leave Entitlement - Form HR- SPL1
- Notification of Continuous Shared Parental Leave Period - Form HR- SPL2
- Notification of Discontinuous Shared Parental Leave Period - Form HR-SPL3

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Feedback on this document

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Version history

Version	Changes Made	Date	Made by
1.0	Published	October 2015	Human Resources
1.1	Review and updated	May 2020	Human Resources
2.0	Full review – updated to align entitlements to the enhanced maternity provision.	July 2023	Human Resources
3.0	Review and feedback from consultation.	September 2023	People Services
4.0	Policy transferred to new template. New section added to inform employees of their right to Neonatal Care Leave (section 6). Information added to inform employees of enhanced redundancy protections (section 4.7). Added reference to parental	August 2025	Policy Manager, People Services

	bereavement leave (section 7.7). Information relating to eligibility and entitlement to shared parental leave and pay extracted from a table to improve accessibility in line with the style guide. Re-order of policy sections (introduction, eligibility) to improve readability and clarity. Minor wording changes to ensure consistency with the style guide and amended outdated references. Forms removed as an appendix to streamline.		
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