
Occupational shared parental leave and pay

Scenarios

The examples below show various scenarios illustrating how occupational shared parental leave and pay should work in a number of situations [under section 15 \(England and Wales\)](#) of the NHS terms and conditions of service handbook.

Pay for individuals accessing this benefit is outlined at paragraph 15.61. Information relating to the application process, which includes notice periods and the cap on the number of applications an employee can make, can be found from paragraph 15.48. Occupational pay can be paid at any point during the 52-week period where entitlement to receive this has not already been exhausted.

The scenarios cover:

- How leave could be shared
- How the statutory element of pay works
- How the occupational element of pay works.

All the scenarios assume the NHS employee meets the occupational shared parental leave and pay eligibility requirements as outlined at paragraph 15.17 of the handbook.

Where employees do not meet the eligibility requirements for occupational shared parental pay, but do meet the requirements for statutory shared parental leave and pay, step one and step two of the process should be followed. This will allow users of this document to understand the allocation of, and entitlement to, leave and pay (occupational and statutory). In instances where employees are not eligible for occupational pay all other processes as outlined within the handbook, for example the process for booking periods of shared parental leave, remain the same.

New parent support leave and pay (paternity leave) should not be counted as part of the 52 week leave total and 39 week statutory pay total when undertaking the shared parental leave calculations.

In all cases an eligible couple should make an informed choice to ensure that their application for shared parental leave and pay best meets their individual family circumstances. Consideration may need to be given in the following areas:

- ensuring the minimum two-week compulsory maternity or adoption leave is taken.

- understanding that any weeks taken as occupational maternity, statutory maternity or adoption leave, or weeks taken whilst in receipt of maternity allowance will proportionately reduce the weeks available to the NHS employee as occupational pay
- if appropriate, which parent is the higher earner and the occupational entitlements of the non-NHS employed parent
- the interaction with statutory pay.

Scenario 1

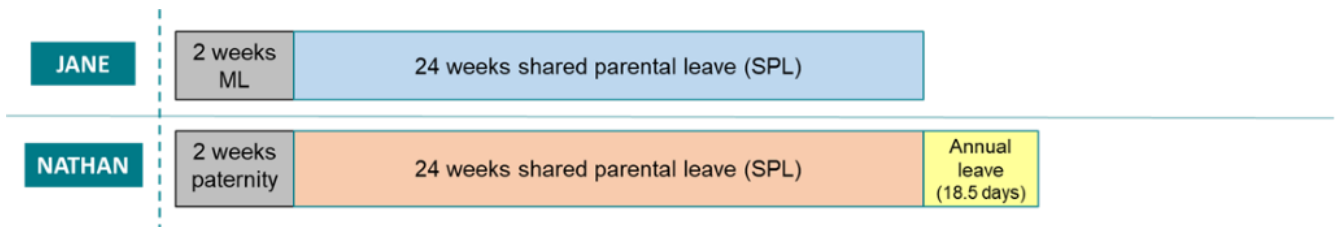
Jane and Nathan are expecting a baby. Jane works part-time within the private sector and her partner, Nathan, works full-time in the NHS. Due to their family circumstances, the couple agree Nathan will be the primary carer and Jane's maternity leave will end after two weeks. This will ensure Nathan can receive the maximum occupational pay whilst on shared parental leave (full pay and half pay).

On return from shared parental leave, Nathan takes his accrued annual leave. As a full-time employee, Nathan's annual leave entitlement is 29 days per year plus eight public holidays (refer to [section 13 of the handbook](#)). Nathan has taken 26 weeks leave in total (two weeks new parent support leave and 24 weeks shared parental leave). Therefore, it is agreed that on his return he will take 18.5 days ($29 \text{ annual leave days} / 2 = 14.5 \text{ days}$) plus ($8 \text{ public holidays} / 2 = 4 \text{ days}$).

Step 1: Sharing of leave

- Jane ends her maternity leave two weeks after the birth so she and Nathan, can access shared parental leave (SPL).
- This means 50 weeks of SPL are available for Jane and Nathan to share (52 weeks minus two).
- Jane and Nathan decide they each wish to take 24 weeks SPL concurrently (at the same time as each other) following Jane's two weeks' compulsory maternity leave. In total, this uses 50 weeks combined leave (48 weeks SPL plus two weeks maternity leave). Two weeks of SPL remain should either Jane or Nathan wish to use them.
- Nathan also takes two weeks occupational new parent support leave (paternity leave) immediately after the birth. These two weeks are not included in the 52 week leave total.

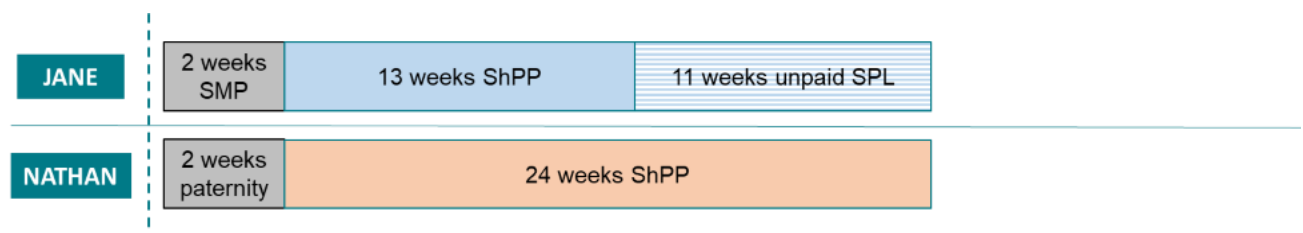
Maternity leave and Shared Parental Leave - 52 weeks leave available



Step 2: Allocation of statutory pay

- Jane ends her maternity leave two weeks after the birth, so she and Nathan can access SPL. Two weeks Statutory Maternity Pay (SMP) will be paid to Jane whilst on maternity leave, reducing the statutory pay total to 37 weeks (39 minus two).
- Nathan will take two weeks occupational new parent support pay (paternity pay) at the same time as Jane is on maternity leave. These two weeks do not count towards the 39-week statutory shared parental leave total.
- Jane and Nathan decide they will each take 24 weeks SPL concurrently. As the handbook makes clear, NHS staff are entitled to six weeks full pay inclusive of Statutory Shared Parental Pay. (ShPP), followed by 18 weeks half pay plus ShPP. Therefore, 24 weeks of ShPP will be used by Nathan during his leave. This reduces the statutory total to 13 weeks (37 minus 24).
- The remaining 13 weeks ShPP will be paid to Jane during her 24 weeks of shared parental leave. The remaining 11 weeks of SPL are unpaid.

Total statutory pay period - 39 weeks available



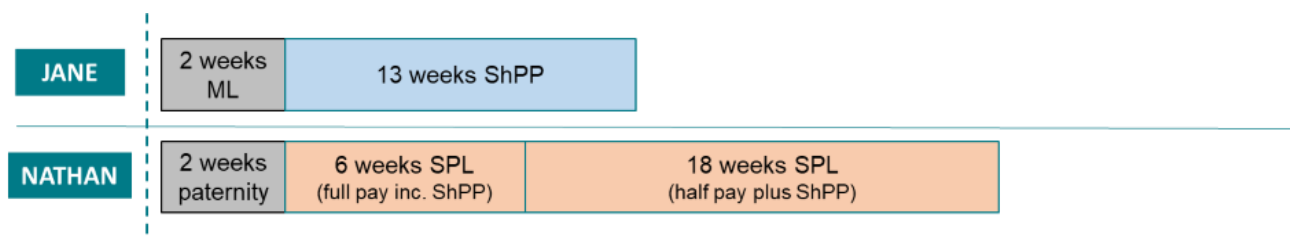
Step 3: NHS occupational pay

- Nathan is employed by an NHS organisation, as identified under [annex 1](#) of the NHS terms and conditions of service.
- Nathan takes two weeks occupational new parent support leave (paternity leave) immediately after the birth. These two weeks do not trigger the proportionate reduction to occupational shared parental pay.
- As Jane only takes two weeks SMP before ending her maternity leave, Nathan is able to take the maximum occupational entitlement as outlined at paragraph

15.61 of the handbook. (26 weeks minus 2 weeks taken as maternity).

- This is irrespective of whether Jane receives enhanced pay whilst on maternity / shared parental leave.

Maximum total occupational pay
Six weeks full pay, 18 weeks half pay, 13 weeks unpaid



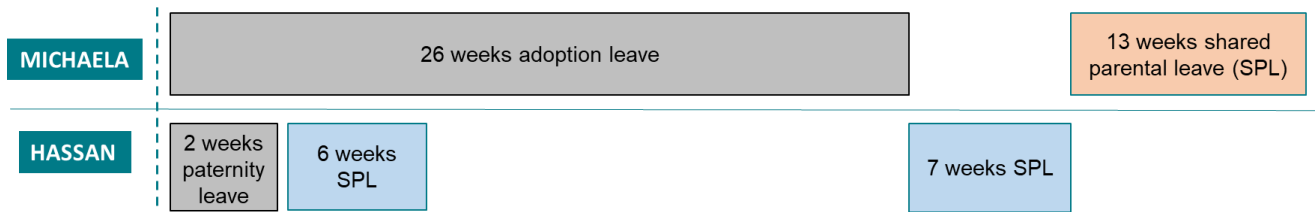
Scenario 2

Michaela and Hassan are adopting a child. Michaela is employed by an NHS organisation, as identified under [annex 1](#) of the NHS terms and conditions of service. Hassan works within the private sector.

Step 1: Sharing of leave

- Michaela gives binding notice to end her adoption leave after 26 weeks so she and Hassan can access shared parental leave (SPL).
- This leaves 26 weeks SPL for Michaela and Hassan to share (52 weeks minus 26).
- Michaela and Hassan decide they wish for Hassan to take six weeks of SPL immediately after his two weeks paternity leave while Michaela is still on adoption leave. This leaves 20 weeks SPL remaining (26 minus six).
- On Michaela's return to work, Hassan will immediately take seven weeks of SPL which will further reduce the balance to 13 weeks (20 minus 7).
- The remaining 13 weeks will be taken by Michaela when Hassan returns to work.

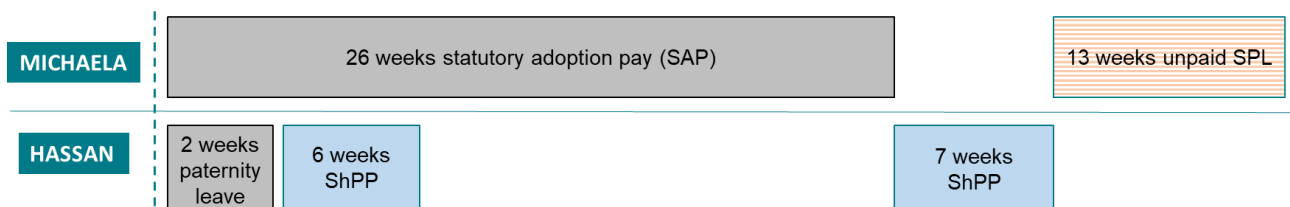
Adoption leave and Shared Parental Leave - 52 weeks leave available



Step 2: Allocation of statutory pay

- Michaela ends her adoption leave after 26 weeks so she and Hassan can access SPL. Michaela will receive 26 weeks statutory adoption pay.
- This leaves 13 weeks statutory pay remaining (39 weeks minus 26 weeks taken as adoption leave).
- Hassan will take the remaining 13 weeks as ShPP split between two blocks; the first being a six-week block whilst Michaela is on adoption leave and the second period when Michaela has returned to work at the end of her adoption leave.
- Michaela's 13-week block of shared parental leave will be unpaid since all statutory pay will have been exhausted.

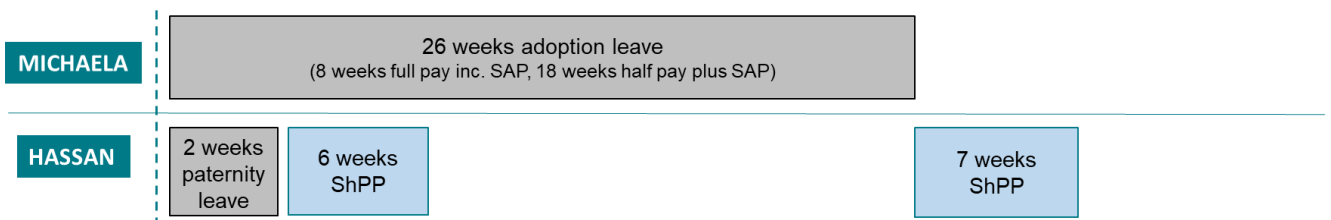
Total statutory pay period – 39 weeks available



Step 3: NHS occupational pay

- Michaela is employed by an NHS organisation, as identified [under annex 1](#) of the NHS terms and conditions.
- As Michaela takes 26 weeks adoption pay, she will have used all available occupational pay entitlement whilst on adoption leave. Therefore, she will not receive any occupational pay during the 13 weeks shared parental leave period.
- The above is irrespective of whether Hassan received enhanced pay for his combined 13 week shared parental leave period (six weeks plus seven weeks).

Maximum total occupational pay – eight weeks full pay, 18 weeks half pay, 13 weeks unpaid.



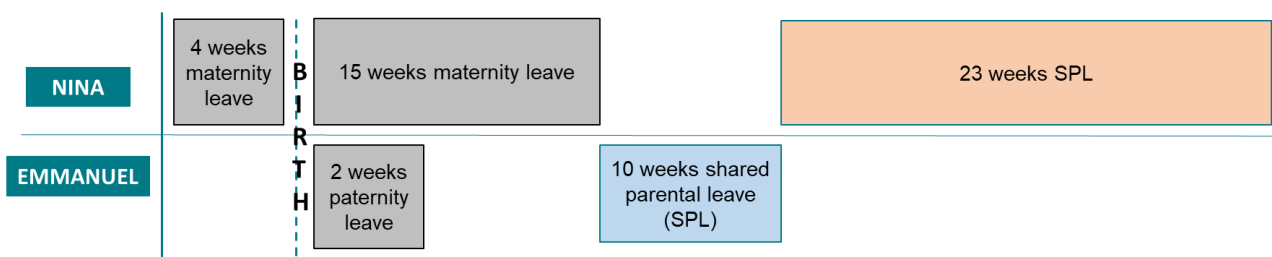
Scenario 3

Emmanuel and Nina are expecting a baby. Nina is employed by an NHS organisation as identified under [annex 1 of the NHS terms and conditions of service](#). Emmanuel works within the public sector for another non-NHS employing organisation.

Step 1: Sharing of leave

- Nina commenced her maternity leave four weeks prior to the birth of her child. She has committed (given binding notice) to end her maternity leave 15 weeks after the birth of their child, so she and Emmanuel can access SPL. In total she will have taken 19 weeks maternity leave.
- This leaves 33 weeks SPL for Nina and Emmanuel to share (52 weeks minus 19).
- They decide that Emmanuel will take 10 weeks of SPL immediately after Nina's maternity leave. This leaves 23 weeks of SPL remaining to share between them (33 minus 10).
- They agree that Nina will take the remaining 23 weeks of SPL when Emmanuel returns to work. This exhausts all 52 weeks of SPL.
- Emmanuel will also take two weeks paternity leave immediately after the birth of the child. These two weeks are not included in the 52 week total.

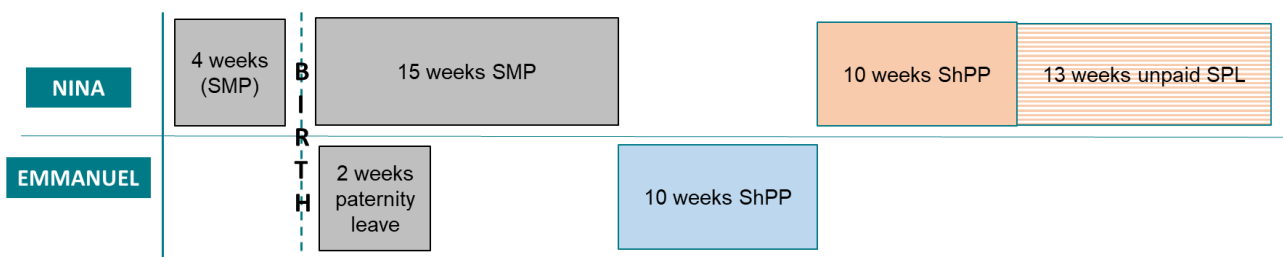
Maternity leave and Shared Parental Leave - 52 weeks leave available



Step 2: Allocation of statutory pay

- Nina commenced maternity leave four weeks prior to the birth of her child and has committed to ending her maternity leave 15 weeks after. In total, Nina will have taken 19 weeks maternity leave and, therefore, 19 weeks statutory maternity pay (SMP).
- This leaves 20 weeks statutory pay remaining to share between the couple (39 minus 19)
- Nina and Emmanuel decide that Emmanuel will take 10 weeks shared parental leave immediately after Nina's maternity leave. Emmanuel therefore takes 10 weeks ShPP. This reduces the remaining statutory pay available to 10 weeks (20 minus 10).
- The couple agree that Nina will take 23 weeks shared parental leave immediately after Emmanuel's shared parental leave ends. However, only 10 of these weeks can include statutory pay. The remaining 13 will be unpaid.

Total statutory pay period – 39 weeks available



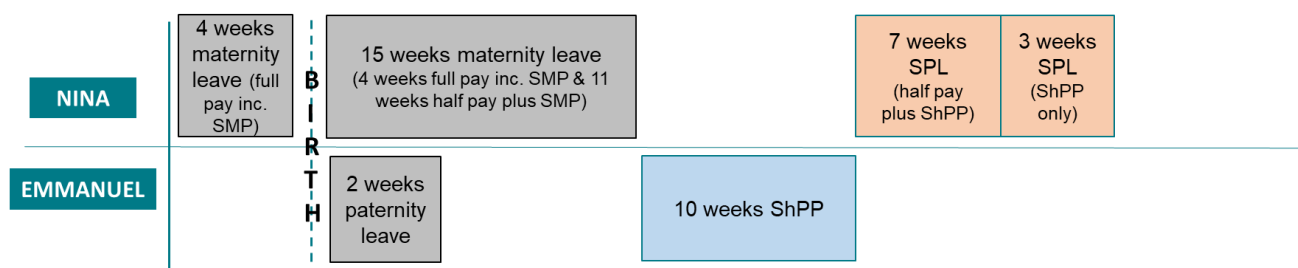
Step 3: NHS occupational pay

- Nina is employed by an NHS organisation, as identified under [annex 1](#) of the NHS TCS Handbook.
- As Nina takes 19 weeks maternity leave (four pre-birth and 15 post birth) in total, this proportionately reduces her entitlement to occupational shared parental pay. Nina's occupational maternity pay should be as follows:
 - a. Eight weeks full pay including SMP
 - b. Eleven weeks half pay plus SMP
- The couple decide that Emmanuel will take 10 weeks SPL and ShPP after Nina's maternity leave. This reduces the SPL balance to 23 weeks (33 minus

10).

- Nina and Emmanuel agree that Nina will take the remaining 23 weeks SPL. This should be paid as follows [note: that 19 weeks have been taken as occupational maternity leave and therefore her entitlement to occupational shared parental pay has been proportionately reduced]:
 - c. Seven weeks at half pay plus ShPP. [note: this exhausts the half pay entitlement since only 18 weeks are available at half pay (refer to paragraph 15.61, [section 15, England & Wales](#))]
 - d. Three weeks leave will be paid at statutory rate only [note: the 39 week statutory maximum has now been reached].
 - e. The remaining 13 weeks of Nina's leave will be unpaid.

Maximum total occupational pay
Eight weeks full pay, 18 weeks half pay, 13 weeks unpaid



Scenario 4

Paul and Matthew are adopting a child. They both work for the NHS. Due to their family circumstances the couple have decided that Paul will be the primary adopter. It should be noted that payment rates for occupational adoption pay are the same as occupational maternity pay (see [section 15, England & Wales](#)).

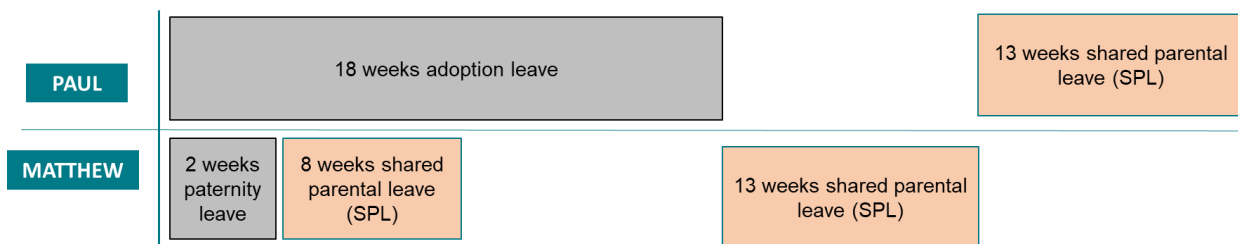
Step 1: Sharing of leave

- Paul ends his adoption leave after 18 weeks so he and Matthew can access SPL.
- This means 34 weeks of SPL are available for Paul and Matthew to share (52 weeks minus 18).
- Matthew will take two weeks occupational new parent support leave (paternity leave) immediately after the placement. These two weeks will not count as part

of the 52 week total.

- The couple decide that Matthew will take eight weeks shared parental leave immediately after his new parents support leave. This will mean Paul and Matthew are on shared parental leave concurrently (at the same time as each other). This reduces the remaining balance to 26 weeks (34 minus 8).
- Matthew will then take a second block of shared parental leave for 13 weeks immediately following Paul's adoption leave. The SPL balance is further reduced to 13 weeks (26 minus 13).
- Paul will take the remaining 13 weeks leave when Matthew returns to work. All 52 weeks have now been taken by the couple.

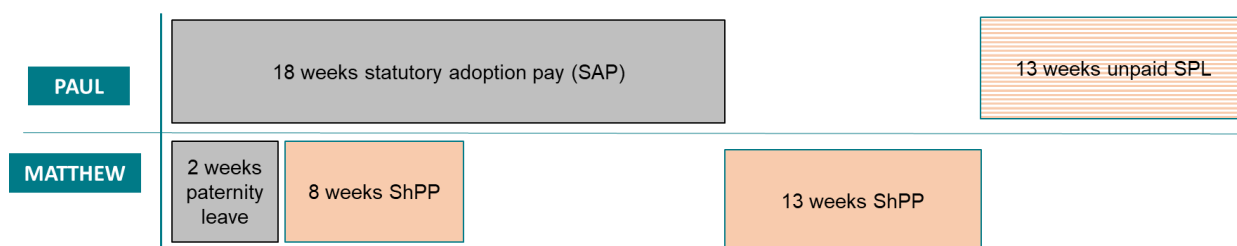
Adoption leave and shared parental leave - 52 weeks leave available



Step 2: Allocation of statutory pay

- Paul will have taken 18 weeks adoption leave and therefore 18 weeks statutory adoption pay.
- This leaves 21 weeks statutory pay remaining to share between the couple (39 minus 18)
- The couple decide that Matthew will take eight weeks shared parental leave immediately after his new parent support leave whilst Paul is on adoption leave. Matthew therefore takes eight weeks ShPP. This reduces the remaining statutory pay available to 13 weeks (21 minus 8).
- The couple agree that Matthew will take 13 weeks shared parental leave following the end of Paul's adoption leave. These weeks will include statutory pay. All 39 weeks of statutory pay have now been exhausted.
- The remaining 13 weeks taken by Paul will be unpaid.

Total statutory pay period – 39 weeks available



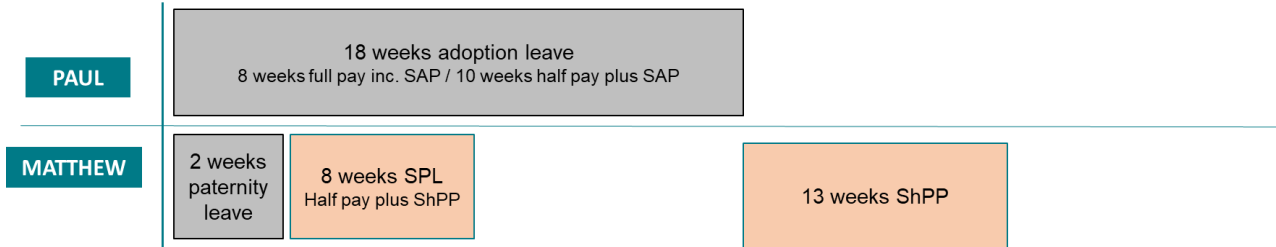
Step 3: NHS occupational pay

- Both Paul and Matthew are employed by an NHS organisation, as identified under [annex 1](#) of the NHS terms and conditions of service. It should be noted that no more than 26 weeks occupational pay will be paid to an eligible couple irrespective of whether both parents are NHS employees (paragraph 15.62, [section 15](#)).
- Matthew takes two weeks occupational new parent support leave (paternity leave) immediately after the birth. These two weeks do not trigger the proportionate reduction to occupational shared parental pay.
- As Paul takes 18 weeks adoption leave and pay, this will proportionately reduce the couple's entitlement to occupational pay for shared parental leave. Only eight weeks of occupational pay will be available for the couple to access (26 minus 18). As the primary adopter, pay during Paul's adoption leave will be paid as follows:
 - a. Eight weeks full pay inclusive of statutory adoption pay (SAP)
 - b. Ten weeks half pay plus SAP
- As Matthew is taking leave concurrently with Paul and, they are both eligible to receive occupational pay, they have decided that full pay will be paid to Paul since he is the primary adopter. They have decided Matthew will receive 8 weeks half pay plus ShPP during the period he is on shared parental leave¹. All 26 weeks occupational pay have now been exhausted.

¹ This should not be a default position. When concurrent leave is taken by two NHS employees and both parents are eligible for occupational pay the couple will need to decide how to exhaust the 26 weeks total. For example, both parents may choose to take three weeks full pay and nine weeks half pay. Other couples may choose to allocate all occupational pay to one parent. A solution on pay should be flexible and split between the couple as is most advantageous to their circumstances.

- The couple agree that Matthew will take 13 weeks shared parental leave following the end of Paul's adoption leave. These weeks will include statutory pay only. The remaining 13 weeks taken by Paul will be unpaid.

Maximum total occupational pay
Eight weeks full pay, 18 weeks half pay, 13 weeks unpaid



Scenario 5

Hazel and Mohammed are expecting a baby. Hazel is a self-employed general practitioner (GP). Her partner, Mohammed, is employed by an NHS organisation, as identified under [annex 1](#) of the NHS terms and conditions of service.

As Hazel is self-employed, she is eligible to receive maternity allowance (MA) only. Hazel will not be entitled to take any shared parental leave (SPL) or pay. Mohammed has applied to take the remaining leave as SPL and pay.

Step 1: Sharing of leave

- Hazel ends her maternity allowance after 10 weeks to allow Mohammed to take the remainder as SPL.
- This means 42 weeks of SPL are available for Mohammed to take (52 weeks minus 10).
- Mohammed also takes two weeks occupational new parent support leave (paternity leave) immediately after the birth whilst Hazel is also taking maternity allowance. These two weeks are not included in the 52 week total.

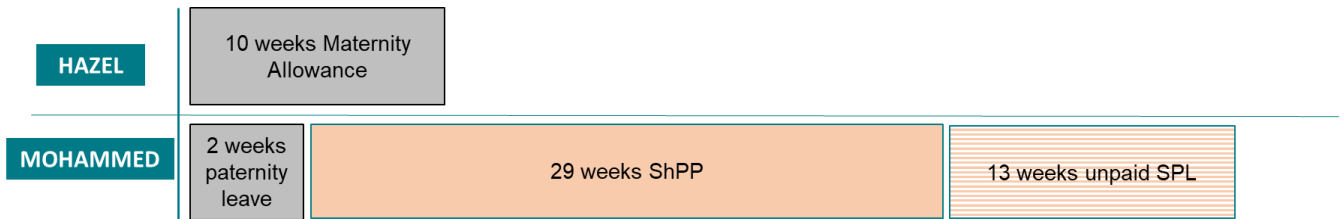
Maternity leave and Shared Parental Leave - 52 weeks leave available



Step 2: Allocation of statutory pay

- Hazel will have taken 10 weeks maternity allowance. Therefore 29 weeks statutory pay remains available for Mohammed to take (39 minus 10).
- After two weeks occupational new parent support leave (paternity leave), Mohammed commences a continuous block of SPL. The first 29 weeks of his leave will include ShPP.
- The remaining 13 weeks will not include statutory pay.

Total statutory pay period – 39 weeks available



Step 3: NHS occupational pay

- Mohammed is employed by an NHS organisation, as identified under [Annex 1](#) of the NHS TCS Handbook.
- Mohammed takes two weeks occupational new parent support leave (paternity leave) immediately after the birth. These two weeks do not trigger the proportionate reduction to occupational shared parental pay.
- As Hazel has taken 10 weeks maternity allowance, 16 weeks occupational pay remains available for Mohammed to take (26 minus 10). Occupational pay during Mohammed’s SPL will be paid as follows:
 - a. 16 weeks half pay plus ShPP
- The following 13 weeks will be paid at statutory rate only with the final 13 weeks being unpaid.

Maximum total occupational pay
Eight weeks full pay, 18 weeks half pay, 13 weeks unpaid

