

## Human Resources

# Shared Parental Leave - Policy



## **Table of Contents**

- 1. Introduction**
- 2. Frequently Used Terms**
- 3. Scope & Eligibility**
- 4. What is Shared Parental Leave and Pay?**
- 5. Shared Parental Leave (SPL) Arrangements**
- 6. Entitlement to Shared Parental Pay (ShPP)**
- 7. Notification Requirements**
  - 7.1 Notice of entitlement and intention to take Shared Parental Leave (SPL) and Shared Parental Pay (ShPP)
  - 7.2 Ending Statutory Maternity/Adoption Leave and Payments
  - 7.3 Notice to take a specific period of SPL and ShPP
  - 7.4 Confirmation of SPL and ShPP
- 8. Varying a Period of Leave**
- 9. Evidence Requirements**
- 10. 'Shared Parental Leave in Touch' (SPLIT) days**
- 11. Terms and Conditions during Shared Parental Leave**
  - 11.1 Contractual Benefits
  - 11.2 Holiday Entitlement
  - 11.3 Holiday Entitlement accrued before SPL
  - 11.4 Holiday Entitlement accrued during SPL
  - 11.5 Additional Holiday Entitlement accrued during SPL
- 12. Returning from Shared Parental Leave**
- 13. Further Information**

- Appendix A – Shared Parental Leave Summary Flow Chart**
- Appendix B – Notice of entitlement and intention to take Shared Parental Leave**
- Appendix C – Maternity/Adoption Leave curtailment form**
- Appendix D – Notice to take a period of Shared Parental Leave**
- Appendix E – Notice to cancel or vary a period of Shared Parental Leave**

# SHARED PARENTAL LEAVE POLICY

## I. Introduction

- I.1** Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption.
- I.2** Historically, Maternity Leave was the only viable option for the mother to take uninterrupted leave while the partner was restricted to only two weeks Paternity Leave and one week Paternity Pay. This new scheme gives greater flexibility for parents to share responsibility of leave entitlements and decide how to best care for, and bond with, their child.
- I.3** All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay (see Section 5: 'Entitlement to Shared Parental Pay (ShPP)'). Leave is the time a parent takes off of work, and pay is what each parent receives for this time off; both are to be treated separately.
- I.4** This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP), where their child is expected to be born on or after 5 April 2015.
- I.5** This policy is separate to the Council's policy for Maternity Leave and Paternity Leave. It replaces the Additional Paternity scheme.

## 2. Frequently Used Terms

<b>EWC</b>	–	Expected Week of Confinement/Childbirth
<b>KIT</b>	–	Keeping in Touch
<b>ShPP</b>	–	Shared Parental Pay
<b>SPL</b>	–	Shared Parental Leave
<b>SPLIT</b>	–	Shared Parental Leave in Touch (days)
<b>Curtailment</b>	–	Bringing forward the date on which the mother's entitlement to Maternity Leave; Maternity Pay; or Maternity Allowance ends

## 3. Scope & Eligibility

- 3.1** Shared Parental Leave (SPL) can only be used by two people:
  - The mother/adopter, and
  - One of the following:
    - the father of the child (in the case of birth) or,
    - the spouse, civil partner or partner of the child's mother/ adopter.
- 3.2** Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 3.3** Shared Parental Leave (SPL) gives employees with caring responsibilities for babies or newly adopted children the opportunity to share up to 50 weeks' leave should they wish to do so.

- 3.4** The right of one parent to take leave is not only dependent on them satisfying their own eligibility criteria, but is also dependent on their partner satisfying certain conditions.
- 3.5** To be entitled to SPL, eligible employees must satisfy each of the following:
- the employee must still be working for the organisation at the start of each period of SPL;
  - the employee must have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date. This is known as the 'continuity test'.
- 3.6** In addition, the employee's partner must meet the 'employment and earnings test', requiring them to:
- have worked for at least 26 weeks' (employed or self-employed) out of the 66 weeks prior to the child's expected due date;
  - have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to EWC.
- 3.7** If the employee's partner meets those conditions, but does not qualify for SPL, the employee may be entitled to the whole SPL period.
- 3.8** Employees can determine if they and their partner meet the continuity and employment and earnings test by using the entitlement calculator on <https://www.gov.uk/pay-leave-for-parents>.
- 3.9** The employee must correctly notify the organisation of their entitlement and provide evidence as required. (see Section 7: 'Notification Requirements')
- 3.10** Any employees found to knowingly submit a false declaration where they are not in fact entitled to take Shared Parental Leave and Pay may face disciplinary action.

## **4. What is Shared Parental Leave and Pay?**

- 4.1** Parents taking SPL can take the leave in one continuous period or in a number of discontinuous blocks, returning to work in between those blocks, and can be on leave at the same time.
- 4.2** Shared Parental Leave can be taken from the day the child is born to the day before the child's first birthday, and must be taken in complete weeks, with a minimum of one week.
- 4.3** Parents can decide how much of the Shared Parental Leave and Pay they will each take and then give their managers notices to inform them of their entitlement and when they intend to take it.
- 4.4** Eligible employees are entitled to submit up to three 'period of leave' notices and are entitled to take SPL on those dates if a continuous period of leave is requested. An

employer cannot refuse a request for continuous leave, so long as the notification does not exceed the total number of weeks of SPL available to the respective employees, (see Section 7.6: 'Confirmation of SPL and ShPP').

- 4.5** If the employee wishes to split their leave into a number of discontinuous periods then there will be a two-week period, from the submission of their notice of entitlement, during which the manager and employee will try and reach agreement on the pattern of leave that is acceptable to both. If agreement cannot be reached, the default position is that the employee will take the total amount of leave specified in the first notice in one continuous block. For example, if an employee has requested to take 3 blocks of 4 weeks of leave, over the 37 week pay period, and the offer is refused, the employee could take 12 weeks continuous leave from the original start date intended, if they do not wish to withdraw their request.
- 4.6** Employees taking SPL must follow the statutory notification procedure and provide the information required, as detailed below. It is advised that employees should also have an informal discussion with their manager, prior to any written notices, to talk about their options; discuss their proposed leave request; and keep dialogue open leading up to the birth date of the child and beyond.
- 4.7** For an overview of the Shared Parental Leave process see Appendix A: SPL Summary Flowchart.

## **5. Shared Parental Leave (SPL) Arrangements**

- 5.1** Shared Parental Leave must be taken in blocks of at least one week and within a one year period beginning with the date of the baby's birth or the child's placement for adoption.
- 5.2** The maximum number of weeks available is 50. This is the mother's entitlement to Maternity Leave. If the mother decides she does not wish to take their full entitlement of Maternity Leave then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. This allows the partner to take the remaining weeks or allows both parents to break up the amount they want to take into discontinuous blocks and share the leave.
- 5.3** Shared Parental Leave can commence as follows:
  - The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child (4 weeks for factory workers)
  - The adopter can take SPL after taking at least two weeks of Adoption Leave
  - Where a mother/adopter gives notice to end, or commits to end at a future date, her maternity entitlement then the mother's partner can take Shared Parental Leave while the mother/adopter is still using her Maternity/Adoption Leave, (see 'Ending Statutory Maternity/Adoption Leave and Payments': Section 7.2).
- 5.4** The father may first choose to exhaust any Paternity Leave entitlements (see Section 7: 'Paternity Scheme' in the 'Entitlement to Time off Policy'). The father/partner cannot

take Paternity Leave or Pay once they have taken any Shared Parental Leave or Shared Parental Pay.

## **6. Entitlement to Shared Parental Pay (ShPP)**

- 6.1** If an employee wishes to claim Shared Parental Pay (ShPP), i.e. pay during their period of leave, s/he must:
- have average weekly earnings equal to or above the Lower Earnings Limit (£481 per month over the eight week period ending with the relevant week);
  - intend to care for the child during each week in which ShPP is paid to her/him;
  - be absent from work on SPL during each week in which ShPP is paid to him/her – apart from in situations where it is permissible for him/her to work e.g. SPLIT days (see ‘Shared Parental Leave in Touch (SPLIT) days’: Section 10).
  - if the employee is the mother of the child, she must be entitled to SMP and have reduced her Maternity Pay period. For the father to qualify, the mother must be entitled to SMP or Maternity Allowance, but she must have shortened her entitlement, or returned to work, (see ‘Ending Statutory Maternity/Adoption Leave and Payments’: Section 7.2);
- 6.2** A maximum of 37 weeks’ ShPP is payable, as this has been reduced by the two weeks’ statutory Maternity / Adoption Pay or Maternity Allowance already taken by the mother or main adopter. Statutory Shared Parental Pay (ShPP) is paid at either the fixed rate (currently specified as £138.18 per week) or 90% of normal weekly earnings for the employee taking the leave if this is lower.
- 6.3** If an employee is found to have committed fraud by submitting a false declaration of their entitlement to take Shared Parental Leave, or overpayment has been made, the Council shall be entitled to recover the amount via deduction.

## **7. Notification Requirements**

The notification requirements for SPL and ShPP are very specific and detailed. Employees can access the ‘Notice of entitlement and intention to take Shared Parental Leave’ form to assist them in providing the required information and declarations (see Appendix B).

Employees must first schedule a meeting with their manager and Senior HR Business Partner, notifying the Council of their entitlement via the form in Appendix B and must then submit a separate form to request specific leave notifications, detailing how and when they want to take their leave. See ‘Notice to take a period of Shared Parental Leave’: Appendix D.

### **6.1 Notice of entitlement and intention to take SPL and ShPP**

- 6.1.1** Where an employee is intending to take SPL, they must notify the Council in writing at least 8 weeks before the start date of the first period of SPL.
- 6.1.2** The written notice, as seen in Appendix B, must contain the following information:
- Employee’s name and the other parent’s name;

- The start and end dates of the mother's or main adopter's Maternity/Adoption Leave (or the start and end dates of the Maternity Allowance period if the mother/main adopter is not entitled to statutory leave);
- The child's Expected Week of Confinement (EWC) and date of birth (unless the notice is provided before the birth, in which case the employee must give the manager the date of birth as soon as reasonably practicable after the birth and before the first period of SPL is taken). If the first 'period of leave' notice is given prior to the birth of a child, the notice may express the start date in relation to the date of birth, for example 'starting two weeks after the baby is born for a period of four weeks'.
- A copy of the child's birth/adoption certificate.
- The amount of SPL and ShPP available and an indication of how much Shared Parental Leave each parent intends to take – this may be varied by a subsequent written notice signed by both parents, (see 'Varying a Period of Leave': Section 8);
- An indication of the start and end dates of the periods of SPL and ShPP that an employee intends to take. This indication is not binding and can be amended at a later date;
- A declaration that s/he satisfies the conditions for entitlement to SPL, the information provided is accurate, and that they will notify the Council immediately if they cease to meet the conditions for entitlement;
- A declaration from the other parent containing his or her name, address and National Insurance Number; confirmation that s/he meets the employment and earnings conditions, (which can be confirmed using the <https://www.gov.uk/pay-leave-for-parents> entitlement calculator), consents to the amount of leave the employee intends to take and will immediately inform manager if s/he ceases to satisfy the employment and earnings conditions.

**6.1.3** See sections 7.4 for details on the organisation's acknowledgement of an employee's intention to take SPL.

**6.1.4** To request specific periods of leave the employee needs to submit a different notification form, (see sections 7.3 and 7.4)

## **6.2 Ending Statutory Maternity/Adoption Leave and Payments**

**6.2.1** A mother entitled to Maternity Leave has to bring forward the date on which her Maternity Leave period ends in order to create Shared Parental Leave. The amount of SPL available is the number of untaken weeks of Maternity Leave.

**6.2.2** A mother can bring forward the date on which her Maternity Leave period ends (reduce it to fewer than 52 weeks) either:

- By returning to work; or



- Giving at least eight weeks' written notice to end her Maternity Leave period and Maternity Pay (a curtailment notice) on a future date which the mother must specify.
- 6.2.3** The mother must submit her notice of entitlement and intention to take SPL at the same time as her Maternity Leave and Pay curtailment notice.
- 6.2.4** The notice may be given before or after the birth, but the specified date the mother wishes to end her Maternity Leave must be after the end of the two-week period of compulsory Maternity Leave, (four weeks for factory workers). See 'Maternity/Adoption Leave Curtailment Form': Appendix C.
- 6.2.5** If the mother is only entitled to Maternity Allowance (and not Maternity Leave) her notice to end her Maternity Allowance entitlement must be submitted to Jobcentre Plus. Her Maternity Allowance cannot be reinstated, so she is in effect giving consent for her partner to take the whole of any ShPP entitlement.
- 6.2.6** The other parent may be eligible to take SPL from their employer before the mother's Maternity Leave ends, provided the mother has given notice to end her entitlement (see Section 5.3).
- 6.2.7** Notice of curtailment is usually binding, but may be revoked in the following circumstances:
- it becomes apparent in the 8 weeks following the notice that neither parent is entitled to SPL or ShPP;
  - if the notice to end her Maternity Leave was given before the birth and is revoked within six weeks of the birth (in this case another curtailment notice can be submitted); or
  - if the other parent dies.

### **6.3 Notice to Take a Specific Period of SPL and ShPP**

- 6.3.1** The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of leave (minimum one week); or (b) two or more periods of discontinuous leave, where the employee intends to return to work between these periods.
- 6.3.2** Each notice must be given at least 8 weeks before the start of a period of leave, stating the dates of the leave and the dates on which ShPP will be claimed, if applicable.

### **6.4 Confirmation of SPL and ShPP**

#### ***Continuous leave notifications***

- 6.4.1** A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

- 6.4.2 An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.
- 6.4.3 An employee may submit up to three separate notifications for continuous periods of leave.
- 6.4.4 If a continuous period of leave is requested in each period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing..

#### ***Discontinuous leave notifications***

- 6.4.5 A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work. For example, an employee may request 3 blocks of 8 weeks each, to be taken after the mother's statutory maternity leave ends, returning to work for 4 weeks in between those blocks.
- 6.4.6 All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee, and to the organisation, against any adverse effects to the business. Once the manager receives the leave booking notice, it will be dealt with as soon as reasonably practicable. A response will be provided no later than the 14th day after the leave request was received. If the request cannot be accommodated, there may be an alternative pattern of leave which can be agreed, or the request may be refused.
- 6.4.7 Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 6.4.8 If the leave pattern is refused, the employee will receive confirmation of this from the manager within two weeks.
- 6.4.9 The employee can either withdraw their notification within **15 days** of giving it, and it will not count as one of their requests, or can take the leave in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. Leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose an alternative start date then the leave will begin on the first date requested in the original notification.

## **8. Varying a Period of Leave**

- 8.1 The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the organisation in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 8.2 Please bear in mind that notice to vary agreed leave counts towards the cap of 3 notification requests.

**8.3** Employees are entitled to submit a request to vary a period of leave in the following ways, (see 'Notice to cancel or vary a period of Shared Parental Leave: Appendix E):

- vary the start or end date;
- vary or cancel the amount of leave requested; or
- request that a single period of leave becomes a discontinuous period of leave, or vice versa.

**8.4** A variation will count as one of the three periods of leave notices unless:

- a notice is withdrawn within 15 days of providing it;
- it is made as a result of the child being born earlier or later than the expected week of childbirth;
- the Council has requested the variation;
- the Council has agreed to accept more than three period of leave notices.

**8.5** The usual eight-week notice requirement may be modified if your child is born early and the new start date for the period of leave is the same length of time following the birth as in the original notice. In this case, notice to vary the start date should be given as soon as reasonably practicable after the birth of the child.

## **9. Evidence Requirements**

**9.1** For the purposes of eligibility for both SPL and ShPP, the employer of either parent will require a copy of the child's birth certificate.

**9.2** In the case of adoption, the Council may request the name and address of the other parent's employer, along with evidence confirming the following:

- the name and address of the adoption agency;
- the date that the main adopter was notified of having been matched for adoption with the child;
- the date on which the adoption agency expects to place the child.

**9.3** Any such request will be made by the Council within 14 days of receiving an employee's notice of entitlement and intention to take SPL and ShPP. The employee must respond to the request for evidence within 14 days (or within 14 days of the birth of the child if the request was made before the child was born).

**9.4** If a birth certificate has not yet been issued, the employee must sign a declaration which states this fact and provide the date and location of the child's birth. If the other parent has no employer, this must also be declared.

## **10. 'Shared Parental Leave in Touch' (SPLIT) days**

- 10.1** Employees may be asked to attend work on occasional days during your SPL period. These days could be for training, to attend department meetings or “away” days, or just for keeping in touch.
- 10.2** Employees may work for up to 20 days without bringing the SPL to an end, but work during SPL will not have the effect of extending an SPL period. If an employee does work, s/he will be paid their normal rate of pay inclusive of any ShPP entitlement.
- 10.3** The 20 SPLIT days available during SPL will be treated in the same vein as Keeping In Touch Days for mothers on Maternity Leave (see ‘Entitlement and Procedures for Time Off Policy’: Section 5.10).
- 10.4** Days back at work will be paid per hour the employee works. For example, if an employee’s normal working hours are 9-5 but they work from 8-5pm, they will be paid for the extra hour that they work.
- 10.5** Similarly, if an employee comes in for 3 hours to work, they will use up one of their 20 SPLIT days, and only be paid for the 3 hours that they have worked.
- 10.6** Any contact made to discuss the employee’s return to work or any other reasonable contact does not constitute work for these purposes.

## **II. Terms and Conditions during SPL**

### **II.1 Contractual Benefits**

- II.1.1** As with Maternity Leave, an employee who takes SPL is entitled to the benefit of their terms and conditions of employment apart from remuneration, which is defined as wages or salary.

### **II.2 Holiday Entitlement**

- II.2.1** While an employee is on SPL they should accrue rights to annual leave and are able to take a day in lieu for any bank holidays that occur during the period that they take SPL. Managers will discuss appropriate arrangements for taking an employee’s holiday entitlement with them before their SPL starts.
- II.2.2** Operational issues are more likely to arise if an employee takes a large proportion of SPL, or takes SPL in addition to Maternity or Adoption leave. Requiring an employee to take accrued leave at particular times is unlikely to be necessary if only a short period of SPL is taken.

### **II.3 Holiday Entitlement accrued before SPL**

- II.3.1** The employee will be advised, prior to SPL, of any holiday s/he is entitled to take before SPL is due to start. The Council reserves the right to require an employee to take all or part of his or her remaining entitlement before SPL commences.

### **II.4 Holiday entitlement accrued during SPL**

- II.4.1** As holiday entitlement continues to accrue during SPL, the Council reserves the right to require an employee to take the accrued holiday entitlement immediately after SPL ends. Alternatively, the Council may agree that the outstanding holiday entitlement can be taken at a suitable time after s/he returns to work.

- 11.4.2** If the employee decides to take some or all of the holidays that s/he has accrued at the end of his or her SPL, s/he must submit a written request to the Council giving the relevant notice, in compliance with the Council procedures for requesting annual holiday.

## **11.5 Additional holiday entitlement accrued during SPL**

- 11.5.1** Where the Council provides additional contractual holiday entitlement (in excess of the statutory holiday entitlement of 5.6 weeks), the Council reserves the right to pay the employee the equivalent value of the additional leave accrued. Alternatively, the Council may agree that this holiday can be taken after s/he returns to work.

## **12. Returning from SPL**

- 12.1** If an employee decides to return early from SPL, or extend a period of SPL, they must notify their manager at least eight weeks' before both the original end date and the new end date.
- 12.2** All employees who take Shared Parental Leave have the right to return to work subject to the requirements set out below being followed. Consideration will be given to requests from a full timer to return on a part time basis taking into account the needs of the service. If an employee wishes to be considered for this option they should speak to their manager at the earliest opportunity.
- 12.3** A change to part time working has to be agreed by the Council before the employee returns, otherwise this needs to be requested under the right to request Flexible Working.
- 12.4** If an employee returns to work immediately after a period of SPL which (together with any statutory Maternity/Adoption Leave they may have taken to care for the same child) was **26 weeks or less**, they will return to work in the same job that they left.
- 12.5** If an employee returns to work from a period of SPL which (together with any Maternity/Adoption Leave they may have taken to care for the same child) was **26 weeks or more** they will normally be entitled to return to the job in which they were employed before their absence. However, if that is not reasonably practicable for the organisation, then they will return to another job which is both suitable and appropriate in the circumstances.
- 12.6** An employee's right to return means that they return on terms and conditions no less favourable than those that would have been applied if they had not been absent, and with the same level of seniority, pension rights and other similar rights.

## **13. Further Information**

- 13.1** Law relating to this document:

- The Shared Parental Leave Regulations 2014
- The Shared Parental Pay (General) Regulations 2014
- The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
- Employment Rights Act 1996

- Child and Families Act 2014
- Equality Act 2010

## Appendix A

### Shared Parental Leave Summary Flowchart

The Shared Parental Leave process at a glance



## Appendix B

### Notice of entitlement and intention to take Shared Parental Leave

Employees with a child due to be born or placed for adoption on or after 5<sup>th</sup> April 2015 who wish to take shared parental leave (SPL) to share the main caring responsibilities with the other parent/partner must submit this form to their manager **at least eight weeks** before the start date of the first period of SPL.

To be entitled to SPL you must:

- be the mother, father, or main adopter of the child, or the partner of the mother or main adopter (referred to in this form as a parent);
- have (or share with the other parent) the main responsibility for the care of the child;
- have at least 26 weeks' continuous service at the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week'); and
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

1. Basic details		
<b>Title</b>	<b>First Name/s</b>	<b>SURNAME:</b>
<b>Child's expected date of birth/date of placement for adoption</b>		__/__/__
<b>Child's actual date of birth/date of placement for adoption</b>		__/__/__
<b>Mother/main adopter's maternity/adoption leave (or pay period*)</b>  * the start and end dates of the statutory Maternity/Adoption Pay or Maternity Allowance period if the mother/main adopter is not entitled to statutory leave.	<b>Start date:</b>  __/__/__	<b>End date:</b>  __/__/__
2. Shared Parental Leave details		
The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/main adopter according to the dates given in the previous section.		
<b>Total number of weeks' SPL available</b>	..... weeks	



<b><u>Number of weeks SPL parents intend to take</u></b>	<b><u>Employee intends to take:</u></b>  ..... weeks	<b><u>Employee's partner intends to take:</u></b>  ..... weeks
<b><u>Indication of start and end dates of SPL that you intend to take</u></b> This indication is non-binding. You must submit a formal period of leave notice for each period of SPL you wish to request for it to be binding. Complete the section below if you wish your request for any/all of these periods of leave to be treated as a period of leave notice.	<b><u>Start date:</u></b>  _ _ / _ _ / _ _ _ _  _ _ / _ _ / _ _ _ _  _ _ / _ _ / _ _ _ _	<b><u>End date:</u></b>  _ _ / _ _ / _ _ _ _  _ _ / _ _ / _ _ _ _  _ _ / _ _ / _ _ _ _
<b><u>Do you wish the dates indicated for the period(s) of leave to constitute a formal (binding) period of leave notice? (delete as appropriate)</u></b>		<b><u>Post No:</u></b>  <b>YES</b> <input type="checkbox"/> <b>NO</b> <input type="checkbox"/> <b>YES, for the following dates only:</b> <input type="checkbox"/>  _ _ / _ _ / _ _ _ _  _ _ / _ _ / _ _ _ _

### 3. Shared Parental Pay details

The total amount of Shared Parental Pay (ShPP) which may be available is 39 weeks minus the number of weeks' pay already taken by the mother/main adopter according to the dates given in Section 1.

<b><u>Total number of weeks ShPP available:</u></b>	..... weeks	
<b><u>Number of weeks ShPP parents intend to claim</u></b>	<b><u>Employee intends to claim:</u></b>  ..... weeks	<b><u>Other parent intends to claim:</u></b>  ..... weeks
<b><u>Indication of start and end dates of your ShPP periods</u></b>	<b><u>Start date:</u></b>  _ _ / _ _ / _ _ _ _	<b><u>End date:</u></b>  _ _ / _ _ / _ _ _ _

### 4. Employee Notice of curtailment of Maternity/ Adoption Leave

Complete this section if you are the employee named in this notice and you are the mother or main adopter. You must give at least eight weeks' notice of your curtailment date. If you are entitled to Maternity Leave the curtailment date must be at least two weeks after the birth of your child, known as compulsory Maternity Leave, which commences from the day after your baby is born, (four weeks for factory workers).

<b><u>I wish my maternity/adoption leave to end on:</u></b>	_ _ / _ _ / _ _ _ _ (insert date)
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## 5. Employee Declaration

### I confirm that I meet the following conditions:

- I am the mother, father, or main adopter of the child, or the partner of the mother or main adopter
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child
- I have at least 26 weeks' continuous service at the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week')
- I intend to be in continuous employment until the week before any SPL is taken
- (If I am claiming shared parental pay) I have average weekly earnings equal to or above the Lower Earnings Limit over the eight week period ending with the relevant week
- I agree to inform the company immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

If you are the mother/main adopter:

- I have submitted a curtailment of Maternity/Adoption Leave notice by completing Section 4 above.

**Signature:**

**Date:**

\_ \_ / \_ \_ / \_ \_ \_ \_

## 6. Declaration of other parent

**Name**

**Address**

**National Insurance Number**

## 7. Managerial Agreement

**Manager Name:**

**Signature:**

**Senior HR Business Partner Name:**

**Signature:**

**I confirm that I meet the following conditions:**

- I have at least 26 weeks' employment (employed or self-employed) out of the 66 weeks prior to the 15<sup>th</sup> week before the expected week of birth or at the week in which the main adopter was notified of having been matched for adoption with the child (known as the 'relevant week');
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the relevant week;
- I agree to inform your employee immediately if I cease to meet the two conditions above;
- I consent to your employee taking SPP and ShPP as set out in Sections 2 and 3 above.

If you are the mother/main adopter:

- I have curtailed my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave.

**I consent to you processing the information contained in this declaration.**

**Signature:**

**Date**

\_ \_ / \_ \_ / \_ \_ \_ \_

## Appendix C

### Maternity/Adoption Leave curtailment form

Please complete and return this form to the HR department.

Use this form if you do not qualify for Shared Parental Leave, but are on Maternity/Adoption Leave and/or in receipt of statutory Maternity/Adoption Pay. This notice is to inform the Council that you wish your Maternity/Adoption Leave and Pay (or just your Maternity/Adoption Pay if you are no longer in employment) to end so the person who shares main responsibility to care for the child can take Shared Parental Leave. Your partner/the other parent is not entitled to take Shared Parental Leave until you have submitted this notice of curtailment.

You must give at least eight weeks' notice of your curtailment date. If you are entitled to Maternity Leave the curtailment date must be at least two weeks after the birth of your child (four weeks if you work in a factory).

If you are in receipt of Maternity Allowance you must also submit a curtailment notice to Jobcentre Plus.

**Please note that if you are eligible to take Shared Parental Leave you must complete the Notice of entitlement and intention to take Shared Parental Leave form instead.**

### **Employee Declaration**

I wish my maternity/adoption leave/pay to end on

\_ \_ / \_ \_ / \_ \_ \_ \_ (insert date).

**Name:**

**Signature:**

**Date:**

\_ \_ / \_ \_ / \_ \_ \_ \_

## **Appendix D**

### **Notice to take a period of Shared Parental Leave**

Please complete and return this form to the HR department.

Use this form to give notice to take a period of shared parental leave (and pay if applicable), giving **at least eight weeks'** notice of the start date of the leave. You may submit up to three periods of leave notices.

**You must have previously submitted the notice of entitlement and intention to take leave form, and had your eligibility for shared parental leave confirmed.**

If a continuous period of leave is requested in a period of leave notice, you will be entitled to take that period of leave and this will be confirmed in writing. If you request discontinuous periods of leave in this notice and it is not practicable to accommodate your requested pattern of leave your manager will discuss alternative options with you.

Please refer to the Shared Parental Leave policy for further details regarding the notification and variation of periods of Shared Parental Leave.

1. Maximum Shared Parental Leave and Pay entitlement		
<b>Partner 1:</b>		<b>Partner 2:</b>
<b>Maximum SPL Leave entitlement:</b>		<b>Maximum SPL Leave entitlement:</b>
..... weeks		..... weeks
<b>Maximum Shared Parental Pay entitlement:</b>		<b>Maximum Shared Parental Pay entitlement:</b>
..... weeks		..... weeks
2. Balance of Shared Parental Leave and Pay		
<b>Balance of Shared Parental Leave Remaining</b>	..... (total number of weeks)	
<b>Balance of Shared Parental Pay Remaining</b>	..... (total number of weeks)	
3. Shared Parental Leave dates:		
<b>Start date</b>	<b>End date</b>	<b>Number of weeks</b>

<b>4. Shared Parental Leave pay (if applicable):</b>		
<b><u>Start date</u></b>	<b><u>End date</u></b>	<b><u>Number of weeks</u></b>
<b>5. Declaration</b>		
I declare I have met the qualifying conditions for shared parental leave / shared parental pay [delete as appropriate] and I agree to this division of leave and pay.		
<b><u>Partner 1 name:</u></b>	<b><u>Partner 2 name:</u></b>	
<b><u>Signature:</u></b>	<b><u>Signature:</u></b>	
<b><u>Date:</u></b> _ _ / _ _ / _ _ _ _	<b><u>Date:</u></b> _ _ / _ _ / _ _ _ _	
<b><u>Manager Name:</u></b>	<b><u>Senior HR Business Partner Name:</u></b>	
<b><u>Signature:</u></b>	<b><u>Signature:</u></b>	
<b><u>Date:</u></b> _ _ / _ _ / _ _ _ _	<b><u>Date:</u></b> _ _ / _ _ / _ _ _ _	

## Appendix E

## Notice to cancel or vary a period of Shared Parental Leave

Please complete and return this form to the HR department.

Use this form to cancel or vary a period of Shared Parental Leave (and pay if applicable) as follows:

- Vary the start or end date of a period of leave/pay, giving at least eight weeks' notice before both the new date and the original date;
- Vary or cancel the amount of leave requested, giving at least eight weeks' notice before the leave is due to start;
- Request that a single period of leave become discontinuous periods, or vice versa.

A variation will count as one of your three periods of leave notices unless:

- it is made as a result of the child being born earlier or later than the expected week of childbirth;
- the company has requested the variation;
- the company has agreed to accept more than three period of leave notices.

If you are requesting a variation in Shared Parental Pay entitlement the other parent must also sign this form to signify consent to the variation.

### 1. Basic details

**Name of Employee**

**Name of other parent**

### 2. Original Shared Parental Leave dates to be varied or cancelled

**Start date:**

\_\_ / \_\_ / \_\_ \_\_

**End date:**

\_\_ / \_\_ / \_\_ \_\_

**Number of weeks:**

..... weeks

### 3. New Shared Parental Leave dates

**Start date:**

\_\_ / \_\_ / \_\_ \_\_

**End date:**

\_\_ / \_\_ / \_\_ \_\_

**Number of weeks:**

..... weeks

### 4. New Shared Parental Pay details (if applicable)

**Number of weeks ShPP you have claimed/ intends to claim**

..... weeks

**Number of weeks ShPP the other parent has claimed/ intends to claim**

..... weeks

<b>Indication of start and end dates of your ShPP periods</b>	<b>Start date:</b> _ _ / _ _ / _ _ _ _	<b>End date:</b> _ _ / _ _ / _ _ _ _
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<b>5. Employee Declaration</b>
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I confirm that I agree to the variation(s) detailed above.
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<b>Signature:</b>	
<b>Date:</b> _ _ / _ _ / _ _ _ _	

<b>6. Declaration of other parent</b>
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I confirm that I agree to the variation(s) detailed above.
--

<b>Signature:</b>	
<b>Date</b> _ _ / _ _ / _ _ _ _	