



Okehampton Town Council

# Okehampton Town Council

## Shared Parental Leave Policy

### Definitions

The following definitions are used in this policy:

- "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth; and
- "Qualifying week" means the fifteenth week before the expected week of childbirth
- "Primary adopter" refers to the nominated parent (when a couple is adopting) who is entitled to take the statutory adoption leave / pay.

### Abbreviations

The following abbreviations are used within this policy:

- SPL Shared Parental Leave
- ShPP Shared Parental Pay
- SMP Statutory Maternity Pay
- SAP Statutory Adoption Pay
- MA Maternity Allowance

### Overview

In 2015 the Government introduced new legislation which enables mothers, fathers/partners and primary adopters to decide how to share the care of their child during the first year of birth or adoption.

The legislation enables mothers or primary adopters who wish to, to end their maternity or adoption leave/pay period early and share the remaining entitlement with their partner.

It is important to understand that there is a distinction between the entitlement to leave and pay.

It is also important to understand that each individual (i.e. the mother/primary adopter and the father/partner) wishing to take a period of Shared Parental Leave and/or receive Shared Parental Pay must be assessed in his/her own right to check whether he/she is eligible.

Depending upon whether they satisfy specific qualification criteria, individuals may be entitled to:

- Leave (SPL) and pay (ShPP)
- Pay (ShPP) but not leave (SPL)
- Leave (SPL) but not pay (ShPP)
- Neither leave (SPL) nor pay (ShPP)

SPL can only be used by two people:

- The mother/primary adopter and
- One of the following:
  - The father of the child (in the case of birth) or
  - The spouse, civil partner or the partner of the child's mother/primary adopter.

## **1. Shared Parental Leave**

### **1.1 Entitlement to Shared Parental Leave**

The total amount of leave to which employees may be entitled is calculated using the mother's/primary adopter's entitlement to maternity/adoption leave/pay. The maximum amount of SPL available is 52 weeks. SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child.

A mother/primary adopter who is entitled to maternity/adoption leave must take a period of compulsory leave of two weeks immediately after the birth or placement of the child. Following this they can take a period of up to 50 weeks' maternity/adoption leave. This means that a mother/primary adopter who ends their maternity/adoption leave at the earliest opportunity could share up to 50 weeks' SPL with their partner.

A mother/primary adopter who is not entitled to Maternity Leave (e.g. an agency worker, casual worker or not in work) may still be entitled to pay. This could be Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA). These are paid for 39 weeks. As above, the mother/primary adopter must take SMP/SAP/MA for a compulsory period of two weeks immediately after the birth or placement of the child. If the mother/primary adopter ends their period of pay before the 38<sup>th</sup> week of pay, the father/partner may be entitled to up to 50 weeks of Shared Parental Leave, some of which may be paid. The amount of Shared Parental Leave available to the father/partner is calculated by deducting from 52 weeks the number of weeks of SMP, SAP or MA taken by the mother/primary adopter.

### **1.2 Eligibility to Shared Parental Leave**

It is the employee's responsibility to prove that they are eligible for SPL and ShPP. Employees can check their eligibility for SPL and ShPP via the Gov website: <https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

To be eligible for SPL both individuals must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- The mother/primary adopter of the child must be/have been entitled to statutory maternity/adoption leave. If not entitled to statutory maternity/adoption leave, they must be/have been entitled to statutory maternity/adoption pay or maternity allowance.
- The mother/primary adopter must have ended, or given notice to end, any maternity/adoption entitlements via the 'Curtailment of Maternity/Adoption Leave and/or Pay' form.
- The employee must still be working for the Town Council at the start of each period of SPL.

- The employee must pass the 'continuity test', which requires them to 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 must correctly notify the Town Council of their entitlement and provide evidence as required.
- The employee's partner must meet the 'employment and earnings test'.

This requires them to have in the 66 weeks before the week of the baby's due date/week they're matched with their adopted child to:

- have been working for at least 26 weeks (they don't need to be consecutive)
- have earned at least £390\* in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)

\*This is a statutory amount and is subject to annual review

## **2. Shared Parental Pay**

### **2.1 Entitlement to Shared Parental Pay**

The total amount of pay to which employees may be entitled will depend upon how much Statutory Maternity/Adoption Pay or Maternity Allowance the mother/primary adopter has been paid at the date when their maternity/adoption leave or maternity/adoption pay period ends. The principle is that any pay (SMP/SAP/MA) not taken can be converted into Shared Parental Pay as long as the person wanting to take this is eligible.

SMP/SAP/MA is paid for 39 weeks. A mother/primary adopter who is entitled to this must take two weeks' of pay during the compulsory two week period immediately after the birth/placement. The mother/primary adopter may choose to end their maternity/adoption pay early at some point after this. In this case any paid weeks not taken as SMP/SAP/MA (as long as there are at least two weeks' pay remaining) may be taken as Shared Parental Pay (ShPP). If the mother/primary adopter took the minimum amount of SMP/SAP/MA, this would therefore enable 37 weeks' of Shared Parental Pay to be taken.

Any Statutory Shared Parental Pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

### **2.2 Eligibility for statutory shared parental pay (ShPP)**

It is the employee's responsibility to prove that they are eligible for SPL and ShPP.

Employees can check their eligibility for SPL and ShPP via the Gov website:  
<https://www.gov.uk/shared-parental-leave-and-pay-employer-guide/overview>

For employees to be eligible for ShPP, both parents must each meet certain eligibility requirements.

#### **Mother's/primary adopter's eligibility for statutory shared parental pay:**

The mother/primary adopter is eligible for ShPP if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth/placement and remain in continuous employment with his/her employer until the week before any period of shared parental pay that they get;

- Have normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth/placement of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the partner, for the care of the child;
- Are absent from work and intend to care for the child during each week in which they receive statutory Shared Parental Pay; and
- Are entitled to Statutory Maternity/Adoption Pay in respect of the child, but the maternity/adoption pay period has been reduced.

In addition, for the mother/primary adopter to be eligible for ShPP their partner must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive).

#### **Partner's eligibility for statutory shared parental pay:**

The partner is eligible for ShPP if they:

- Have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with their employer until the week before any period of shared parental pay that they get;
- Have normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the Lower Earnings Limit for national insurance contribution purposes;
- Have, at the date of the child's birth/placement, the main responsibility, apart from the mother/primary adopter, for the care of the child; and
- Are absent from work and intend to care for the child during each week in which they receive statutory shared parental pay.

In addition, for the partner to be eligible, the mother/primary adopter must:

- Have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- Have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be consecutive)
- Have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period have been reduced.

### **3. Requesting Shared Parental Leave**

An employee considering taking SPL is encouraged to contact the Town Clerk to arrange an informal discussion as early as possible regarding their potential entitlement.

Once an employee has checked that they are eligible for SPL and/or ShPP, they should then complete a 'Notice of Entitlement and Intention' form (Appendix D) which should then be given to the Town Clerk.

Before SPL can begin the mother/primary adopter must end their maternity/adoption leave and/or pay entitlement. Therefore if the employee is the mother/primary adopter then they must also complete the 'Curtailment of Maternity/Adoption Leave and/or Pay' form (Appendix C).

#### **3.1 Requesting Further Evidence of Eligibility**

The Council may request, within 14 days of receiving the 'Notice of Entitlement and Intention' form being given:

- The name and business address of the partner's employer (where the employee's partner is no longer 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 the birth).
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to Shared Parental Leave, the employee must produce this information within 14 days of the employer's request.

#### **3.2 Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP via the 'Notice of Entitlement and Intention' form, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

Requests for leave should be made via the 'Period of Shared Parental Leave Notice' (appendix F).

The employee must book leave by giving the correct notification at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP.

Eligible employees have the right to submit up to three notifications specifying leave periods they are intending to take.

Each period of leave may consist of either a) a single period of weeks of leave; or b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

Leave must be taken in complete weeks but can start on any day of the week.

Periods of Shared Parental Leave can be taken either at the same as or at different times to leave taken by their partner.

The father/partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as they cannot take paternity leave or pay once SPL has been taken).

SPL must be taken during the child's first year of birth/placement and must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption will be lost.

### **3.3 Continuous Periods of Shared Parental Leave**

If the employee submits a 'Period of Shared Parental Leave Notice' requesting one continuous period of leave, they will be automatically entitled to take that period of leave.

### **3.4 Discontinuous Periods of Shared Parental Leave**

The employee may submit a Period of Shared Parental Leave Notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a request for a period of discontinuous of leave, the Town Council can, in the two weeks beginning with the date the period of leave notice was given:

- Consent to the pattern of leave requested;
- Propose an alternative pattern of leave; or
- Refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the Town Council of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the Town Council has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave.

The employee can withdraw a Period of Shared Parental Leave Notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

### **3.5 Arranging a Meeting to Discuss Leave Requests**

Any meetings arranged to discuss leave requests and/or entitlement to SPL should take place in private and be arranged in advance. If the initial date is problematic then another

date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a work colleague or trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the Town Council, and what the outcome may be if no agreement is reached.

A response to the SPL request should be given no later than the 14<sup>th</sup> day after the request was made.

### **3.6 Variations to Arranged Shared Parental Leave**

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Town Council, in writing at least eight weeks before the date of the variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification and will reduce by one the employee's right to book/vary leave.

However a change as a result of a child being born early, or as a result of the Town Council requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the Town Council.

## **4. Fraudulent Claims**

Where there is a suspicion that fraudulent information may have been provided or where the Council has been informed by the HMRC that a fraudulent claim was made, the Town Council can investigate the matter further in accordance with their usual investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

## **5. Pension**

### **Employee Contributions During Shared Parental Leave and Maternity/Paternity/Adoption Leave**

Employees will pay pension contributions at their 'normal' percentage rate during any period of paid leave.

Employees will not pay pension contributions during any period of unpaid leave. However, there is a distinction between the following:

- Periods of unpaid Ordinary Maternity Leave, Ordinary Adoption Leave and Paternity Leave, when the employer continues to make pension contributions.
- Periods of unpaid Shared Parental Leave, Additional Maternity Leave and Additional Adoption Leave, when the employer does not make any pension contributions.

In the latter case the employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount 'lost' during the unpaid leave. Information about this is set out in the employer's information below.

### **Employer Contributions During Shared Parental Leave and Maternity/Paternity/Adoption Leave**

The Town Council will pay employer contributions on the employee's Assumed Pensionable Pay (APP). APP is calculated with reference to the average pensionable pay the employee received in the 3 months immediately preceding the period of reduced or nil pay. If, however, the employee's pay during their leave is higher than APP, the Town Council will pay contributions based on this higher amount.

APP does not apply during any period of unpaid Shared Parental Leave, unpaid Additional Maternity Leave or unpaid Additional Adoption Leave. The employee can, if they wish, choose to enter into an age-related Additional Pension Contribution (APC) to cover the amount of pension 'lost' during the unpaid leave.

If the employee notifies the Town Clerk in writing within 30 days of returning to work that they wish to enter into an APC then:

- The employee will pay 1/3 of the cost of the APC
- The employer will pay 2/3 of the cost of the APC.

If the employee notifies the Town Clerk of this decision later than 30 days after returning to work then the whole cost will be borne by the employee, unless the Town Council voluntarily agrees to contribute to the APC.

## **6. Continuous Service**

Any periods of Shared Parental Leave will count as continuous service for statutory and contractual purposes.

## **7. Leave During Shared Parental Leave**

### **7.1 Annual Leave and Bank/Public Holidays**

Annual leave and bank/public holidays continue to accrue during SPL. Where bank/public holidays fall during a period of SPL, the employee will be entitled to a day's holiday (pro rata if part-time) in lieu of each bank/public holiday.

### **7.2 Carry Forward of Annual Leave and Bank/Public Holidays**

The employee and their line manager should review annual leave arrangements prior to SPL being taken. Where taking SPL means that the employee is unable to take their full annual leave entitlement in the current annual leave year, the outstanding leave (including any days in lieu of bank/public holidays) can be carried over to the next annual leave year.



### **7.3 Treatment of Leave Where an Employee Changes Their Hours after Shared Parental Leave**

If an employee changes their hours after taking SPL, all leave accrued up to the agreed date when their hours change is calculated based on their original hours and any leave accrued subsequently is calculated based on their new hours.

## **8. Returning To Work**

### **8.1 Shared Parental Leave In Touch Days (SPLIT)**

Employees can work up to 20 days without bringing their Shared Parental Leave to an end. These are called Shared Parental Leave In Touch (SPLIT) days.

Working for part of a day will count as one day. An employee will not lose any SPL or ShPP for working up to 20 days.

Work is defined as any work done under the contract of employment and may include training or any activity undertaken for the purposes of keeping in touch with the workplace.

SPLIT days are optional - both the employee and your employer must agree to them.

Managers need to ensure that they keep in touch with their employees whilst they are on Shared Parental Leave. If you do not wish to be contacted, please notify your manager and/or the Town Clerk. Any relevant correspondence will be sent to all employees whilst they are on Shared Parental Leave.

## Appendix A

### Examples of changing hours and annual leave following Shared Parental Leave

#### Example:

A woman working full-time (37 hours per week) and entitled to 24 days' annual leave per year takes maternity and then shared parental leave. She requests to reduce her hours to 20 hours per week on her return to work and her employer agrees. The employer's annual leave year runs from 1 April to 31 March. Although she had used all the previous annual leave year's entitlement before taking maternity and shared parental leave, she had not taken any of the current annual leave year's entitlement.\*

Her shared parental leave ends on 30 June. If her hours are changed with effect from 1 July, her accrued annual leave will be calculated as follows:

#### 1 April to 30 June (when her working day was 7.4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 April to 30 June (3 months) = 6 days @ 7.4 hours = 44.4 hours

Plus

#### 1 July to 31 March (when her average working day will be 4 hours)

24 days' annual leave per year = 2 days per month

Leave accrued 1 July to 31 March (9 months) = 18 days @ 4 hours = 72 hours

The employee's total annual leave for the current year will be 116.4 hours. Because she will be reducing the length of her working day to 4 hours, this will equate to 29.1 days on her return to work.

\* For simplicity, this example does not take account of bank/public holidays, although these accrue during Shared Parental Leave and would also need to be factored in to any calculations.

## **Appendix B**

### **Examples of how Shared Parental Leave can be taken**

#### **Example A:**

A mother takes her compulsory 2 weeks' statutory maternity leave following the birth of her child. She then takes a further 25 weeks' maternity leave before returning to work. Her husband takes his 2 weeks' paternity leave directly following the birth of the child. He then takes 25 weeks' shared parental leave starting from the point that his wife returns to work.

#### **Example B:**

A primary adopter takes their compulsory 2 weeks' statutory adoption leave following the placement of their child. They then take a further 20 weeks' adoption leave. The primary adopter and their partner then both take 15 weeks' shared parental leave at the same time (which in total uses the remaining 30 weeks SPL available).

#### **Example C:**

A mother takes her compulsory 2 weeks' statutory maternity leave following the birth of her child. She then remains on maternity leave for a further 6 weeks during which time her partner takes SPL.

She then returns to work and her partner takes a further 6 weeks' shared parental leave. He then returns to work and she takes the next 10 weeks' leave. She then returns to work and he takes the next 10 weeks' leave. Together they then split the remaining 10 weeks by both having 5 weeks off together.

## Appendix C

### Curtailment of Maternity/Adoption Leave and/or Pay

1. This form must be completed by the mother/primary adopter to bring their Maternity/Adoption Leave period to an end in order to opt into Shared Parental Leave.
2. You are only able to curtail (i.e. bring to an end) your Maternity/Adoption Leave and opt into Shared Parental Leave (SPL) after you have provided your MAT B1 and any relevant maternity / adoption forms.
3. You should complete and submit this form along with the Notice of Entitlement and Intention to Take Shared Parental Leave form
4. You must state the date on which you propose your Maternity/Adoption Leave to end. That date must be:
  - after the compulsory Maternity Leave Period which is the 2 weeks after the birth
  - at least 8 weeks after the date on which you provide this Maternity Leave Curtailment Notice
  - at least 1 week before what would be the end of the additional Maternity Leave Period (which is 52 weeks after the birth)

#### Section A – Your details

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth (if born)/placement	

#### Section B – If curtailing maternity/adoption leave

Date statutory maternity/adoption leave started/is intended to start	
Date statutory maternity/adoption leave will come to an end	
Total number of weeks of statutory maternity/adoption leave that will have been taken at the date that statutory maternity/adoption leave ends	

#### Section C – If curtailing maternity/adoption pay (only complete if claiming ShPP and if you have a minimum of 2 weeks maternity pay remaining)

Date SMP/SAP started/is intended to start	
Date SMP/SAP will come to an end	
Total number of weeks of SMP/SAP that will have been paid at the date that SMP/SAP ends	

**Declaration**

Please accept this as my notice to curtail my maternity/adoption leave and/or SMP/SAP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity/adoption leave will end on the date given in Section B and that my SMP/SAP will end on the date given in Section C.

I understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP/SAP if I revoke this notice before the end date given in Section C.

Signed.....

Print.....

Date.....

## Appendix D

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

1. This form must be completed by the mother/primary adopter in conjunction with the curtailment of Maternity/Adoption Leave and/or Pay
2. This form must be submitted to the Town at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

#### Section A – Your details:

Surname	
First name(s)	
Child's expected date of birth/placement	
Actual date of child's birth/placement (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

#### Section B – Your partner's details:

Partner's surname	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (State 'none' if no number is held)	

#### Section C – Maternity / adoption details:

Date mother/primary adopter started (or intends to start) statutory maternity/adoption leave	
Date mother's/primary adopter's statutory maternity/adoption leave ended (or will end)	
Total number of weeks of statutory maternity/ adoption leave that will have been taken at the date that statutory maternity/adoption leave ends	
Date mother/primary adopter started (or intends to start) SMP/MA/SAP	
Date mother's/primary adopter's SMP/MA/SAP ended (or will end) (as below in section D)	
Total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP/MA/SAP will be reduced (i.e. 39 weeks minus total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment)	

Total number of weeks of SPL created (52 weeks less total number of maternity/adoption weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL the mother/primary adopter intends to take	
Total number of weeks of SPL that the father/partner intends to take	

#### Section D - Indication of intentions:

I (the mother/primary adopter) currently expect to take SPL as follows:  
*(Note: It will usually be helpful to answer this in a "From... To..." format)*

#### Section E - Shared Parental pay (only complete if claiming ShPP):

Total number of weeks of ShPP created (39 weeks less total number of SMP/SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP that I (the mother/primary adopter) intend to take:	
Total number of weeks of ShPP that my partner intends to take:	
I (the mother/primary adopter) currently expect to take ShPP as follows: <i>(Note: It will usually be helpful to answer this in a "From... To..." format)</i>	
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#### Section F – Mother's/primary adopter's declaration (must be completed):

The following points apply in all circumstances where a mother is entitled to maternity leave:

- I am giving notice that I am entitled to and intend to take Shared Parental Leave (SPL).
- I have, or will have, been continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due/placed.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth/placement (along with my partner, who has made the declaration below).
- I am entitled to maternity/adoption leave, my maternity/adoption leave period is reduced and the remaining weeks are now available as SPL.
- I will inform my employer immediately if I am no longer caring for my child

- Maternity only: If my employer asks within 14 days of the date of this notice, I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available.

Adoption only: If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of (i) the name and address of the adoption agency; (ii) the date that I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with me.

- If my employer asks for this within 14 days of the date of this notice, I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer.
- I (or my partner) have given a period of SPL notice.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take Shared Parental Pay (ShPP).
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth/placement.
- I am entitled to SMP/SAP in respect of the birth/placement of our child, my maternity/adoption pay period is reduced and the period that remains is available as ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I intend to care for my child in the weeks I receive ShPP.
- I will remain employed with this employer until before the date of my first period of ShPP.
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

**Section G: Partner's declaration:**

- Maternity only: I am the father of the child or, at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship

Adoption only:- I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship.

- I had (or will have) the main responsibility for the care of our child at the time of the birth/placement (along with the child's mother/primary adopter)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth/placement.
- I have (or will have) earned in total at least £390\* in 13 weeks of the 66 weeks before the expected week of childbirth/placement.

\*subject to annual review



- I consent to the amount of SPL which the mother/primary adopter intends to take, as set out in Section D above.
- I consent to the mother/primary adopter's employer processing the information I have provided.
- I consent to the amount of ShPP which the mother/primary adopter intends to take, as set out in Section E above.
- The information provided in this declaration is accurate.

Signed.....

Print.....

Date.....

DRAFT

## Appendix E

### Notification that Partner is intending to take SPL

1. This form must be completed by the mother's/primary adopter's partner who is entitled to and intends to take SPL (and ShPP if section C is completed).
2. This form must be submitted to the Town Clerk at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

#### Section A - Your Details

Your surname	
Your first name(s)	
Child's expected date of birth/placement	
Actual date of child's birth/placement (if child not yet born/placed please provide this information as soon as reasonably practicable following birth/placement and before any SPL taken)	

#### Section B - Your Partner (the mother/primary adopters) details

Mother's/primary adopter's surname	
Mother's/primary adopter's first name(s)	
Mother's/primary adopter's Address	
Mother's/primary adopter's National Insurance number (State 'none' if no number is held)	

#### Section C – Maternity / adoption details

Date mother/primary adopter started (or intends to start) maternity leave (if applicable)	
Date mother's/primary adopter's maternity/adoption leave ended (or will end) (if applicable)	
Total number of weeks of maternity/adoption leave taken (or that will be taken) when maternity/adoption leave ends	
Date mother/primary adopter started (or intends to start) SMP/MA/SAP (if applicable)	
Date mother/primary adopter's SMP/MA/SAP ended (or will end) (if applicable)	
Total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP/MA/SAP will be reduced (i.e. 39 weeks minus total number of weeks SMP/MA/SAP has been paid or will have been paid at date of curtailment)	
Total number of weeks of SPL created (50 max)	

Total number of weeks of SPL that I (the partner) intend to take	
Total number of weeks of SPL that the mother/primary adopter intends to take (if applicable)	

#### Section D - Indication of intentions:

I (the partner) currently expect to take SPL as follows: <i>(Note: It will usually be helpful to answer this in a "From... To..." format)</i>

#### Section E - Shared Parental pay (only complete if claiming Shared Parental Pay):

Total number of weeks of ShPP created (39 weeks less total number of SMP/SAP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I intend to take:	
Total number of weeks of ShPP my partner (the mother/primary adopter) intends to take:	
I (the partner) currently expect to take ShPP as follows: Note: It will usually be helpful to answer this in a "From... To..." format	

#### Section F - Declaration:

- I am giving notice that I am entitled to and intend to take Shared Parental Leave (SPL).
- Maternity only: I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship.

Adoption only: I am the adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship.

- I have been (or will be) continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due or will be placed.
- I will remain employed with this employer until any period of SPL that I intend to take.
- I had (or will have) the main responsibility for the care of our child at the time of the child's birth/placement (along with the child's mother/primary adopter who has made the declaration below).
- Maternity only: I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice.

Adoption only: If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption

agency that matched me with the child, of (i) the name and address of the adoption agency; (ii) the date that I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with me.

- If my employer asks for this within 14 days of the date of this notice, I will give my employer the name and address of the mother's/primary adopter's employer or a declaration that she/he does not have an employer.
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her/his maternity/adoption leave or SMP/MA/SAP period.
- I (or my partner) have given a Period of Shared Parental Leave Notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take Shared Parental Pay (ShPP).
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth/placement.
- I intend to care for my child in the weeks I receive ShPP.
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL).
- I will remain employed with this employer until before the date of my first period of ShPP.
- The information provided in this declaration is correct.

Signed.....

Print.....

Date.....

**Section G – Your partner (the mother / primary adopter) declaration**

- I had (or will have) the main responsibility for the care of the child at the time of the birth/placement (along with my partner, who has made the declaration above).
- I am entitled to maternity/adoption leave and/or SMP/MA/SAP in respect of the child and I have curtailed (or will curtail) my entitlement to maternity/adoption leave (or I have returned to work) and/or my entitlement to SMP/MA/SAP.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth/placement.
- I have (or will have) earned in total at least £390\* in 13 weeks of the 66 weeks before the expected week of birth/placement.

\*subject to annual review

- I will immediately inform my partner if I revoke my notice to curtail my maternity/adoption leave or, if I am not entitled to maternity/adoption leave, my SMP/MA/SAP entitlement.
- I consent to my partner's intended SPL as set out in Section D above.
- I consent to my partner's employer processing the information I have provided.
- The information provided in this declaration is accurate and meets the notification requirements for SPL.

**The following points only apply if Section E has been completed:**

- I am entitled to SMP/MA/SAP, and I have reduced (or will reduce) the SMP/MA/SAP period and the remainder will be available as Shared Parental Pay (ShPP).
- I consent to my partner's intended ShPP as set out in Section E above.
- I will immediately inform my partner if I revoke the reduction of my SMP/MA/SAP.
- I consent to the person who will pay ShPP to my partner or the child's father processing the information I have provided.
- The information provided in this declaration is correct.

Signed.....

Print.....

Date.....

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## Appendix F

### Period of Shared Parental Leave Notice

1. This form must be completed in conjunction with the 'Notice of entitlement and intention to take Shared Parental Leave' form.
2. This form must be submitted to the Town Clerk at least eight weeks before the date on which you wish to start a period of leave and (if applicable) receive ShPP.
3. Please note that you are only able to submit your period of leave notice (including any variations) a maximum of 3 times.

### Section A – Your entitlement

How many weeks Shared Parental Leave do you have available?		
A	How many weeks of Statutory Maternity <b>Leave</b> will you/your partner have not used at the point when the maternity/adoption leave is curtailed (i.e. ended)?	
B	How many weeks of Shared Parental Leave have <b>you</b> taken in total to date since maternity / adoption leave was curtailed?	
C	How many weeks of Shared Parental Leave has <b>your partner</b> taken in total to date since maternity / adoption leave was curtailed?	
D	No. of weeks of Shared Parental Leave still available <b>(A – B – C = No. of weeks leave available)</b>	
How many weeks Shared Parental pay do you have available?		
E	How many weeks of Statutory Maternity <b>Pay</b> will you/your partner have not used at the point when the maternity/adoption leave is curtailed (i.e. ended)?	
F	How many weeks of Shared Parental Pay have <b>you</b> received in total to date since maternity / adoption leave was curtailed?	
G	How many weeks of Shared Parental Pay has <b>your partner</b> received in total to date since maternity / adoption leave was curtailed?	
H	No. of weeks of Shared Parental Pay still available <b>(E – F – G = no. of weeks pay available)</b>	

### Section B – Your request

I intend to take the following number of weeks' Shared Parental Leave (ShL) (Total available = D):

<b>I intend to take these ShL weeks on the following dates:</b>		
<b>From</b>	<b>To</b>	<b>Do you wish to be paid your available ShPP during this date? (total available = H)</b>

Signed.....

Print.....

Date.....

**Office use only:**

Date request received:		Request number (max 3):	
Is the request continuous or discontinuous?		If request discontinuous, was it approved?	
Amount of SPL remaining:		Amount of ShPP remaining:	

## Appendix G

### Shared Parental Leave – Checklist for Managers

#### Early discussions regarding SPL

- ☐ Clerk to have an informal discussion with the employee regarding intention to take SPL
- ☐ Clerk to draw the employee's attention to this policy
- ☐ Clerk to refer the employee to the Gov.uk website for the employee to check their own eligibility and entitlement
- ☐ Clerk to provide the employee with 'Curtailment of Maternity/Adoption Leave and/or Pay' form (appendix C) (if the employee is the mother/primary adopter)
- ☐ Clerk to provide the employee with 'Notice of Entitlement and Intention' form (appendix D) (if the employee is the mother/primary adopter)
- ☐ Clerk to provide the employee with 'Notification that Partner is intending to take SPL' form (appendix E) (if the employee is the partner of the mother/adopter)
- ☐ Clerk to provide the employee with 'Period of Shared Parental Leave Notice' form (appendix F)

#### Before SPL can be taken

To be submitted before or at the same time as any request for a period of SPL:

- ☐ Employee to submit 'Notice of Entitlement and Intention' form to the Clerk (appendix D) (if the employee is the mother/primary adopter)
- ☐ Employee to submit 'Notification that Partner is intending to take SPL' form to Clerk (appendix E) (if the employee is the partner of the mother/adopter)
- ☐ If relevant, Clerk to request further evidence from employee (to be done within 14 days of receiving the 'Notice of Entitlement and Intention' form)

To be submitted after or at the same time as the 'Notice and Entitlement and Intention' form:

- ☐ Employee to submit 'Curtailment of Maternity/Adoption Leave and/or Pay' form (appendix C) (if the employee is the mother/primary adopter)
- ☐ Employee to submit 'Period of Shared Parental Leave Notice' form (appendix F) to Clerk at least eight weeks before the date on which they wish to start the leave and, if applicable, receive ShPP
- ☐ Clerk to check request to ensure each period of leave consists of either a) a single period of weeks of leave; or b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave
- ☐ Clerk to arrange a meeting with the employee to discuss leave requests
- ☐ Clerk to review any requests for discontinuous leave and either:
  - Consent to the pattern of leave requested;
  - Propose an alternative pattern of leave; or
  - Refuse the pattern of leave requested.



### **During periods of SPL**

- ☐ Clerk to have regular contact with the employees throughout the duration of Shared Parental Leave
- ☐ Clerk and employee to discuss any potential SPLIT days
- ☐ If relevant, employee to submit a request to the Clerk to vary or cancel an agreed and booked period of SPL. Request must be in writing at least eight weeks before the date of the variation

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