**Shared Parental Leave and Paternity Leave Policy and Procedure**

**Status of Policy**: Contractual
**Policy applies to:** Employees of the [insert name of organisation]
**Review Date:** [insert date]

**1. Introduction**

Shared Parental Leave (SPL) is an entitlement allowing eligible parents and partners to choose how to share time off work after a child is born or placed for adoption.

It is designed to give more flexibility in sharing the care of a child in the first year after birth or adoption. Parents/partners will be able to share a “pot” of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

**1.1 Definitions of terms & entitlement**

This policy and procedure uses the following terms and abbreviations:

* **Mother:** the woman who gives birth to a child
* **Primary Adopter:** the person who is eligible for adoption leave and/or pay. This person can be male or female.
* **Partner:** the child’s biological father or the partner of the mother/adopter (who may be male or female).
* **SPL:** Shared Parental Leave.
* **ShPP**: Statutory Shared Parental Pay.
* **Continuous leave:** a period of leave that is taken in one block e.g. four weeks’ leave.
* **Discontinuous Leave:** means a broken up period of leave taken, in blocks of at least one week, interspersed with returns to work e.g. an arrangement where an employee will work every other week for a period of three months.
* **SPLIT day:** Shared Parental Leave in Touch day.
* **KIT day:** Keeping In Touch day available to employees on maternity or adoption leave
* **Match:** when an adopter is approved to adopt a named child or children.
* **Curtail:** where an eligible mother/adopter brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early.

**2. Purpose**

The [parish name] Shared Parental Leave Policy is designed to ensure that all new parents working at the [parish name] are treated fairly and legally with regards to their Shared Parental Leave and Pay and to set out the required process for applying to take Shared Parental Leave.

**3. Key principles and provisions**

**3.1** Shared Parental Leave (SPL) is a legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015. It provides both parents with the opportunity to consider the best arrangement to care for their child during the first year following a child’s birth or adoption.

**3.2** Employed birth mothers/adopters will continue to be entitled to 52 weeks of Maternity/Adoption Leave and 39 weeks of statutory maternity pay, statutory adoption pay or maternity allowance. There is a minimum 2 week compulsory maternity/adoption leave period which the mother/primary adopter must take immediately after the birth/placement of a child. . However, following this two-week period, if an eligible partner ends their maternity or adoption leave early, giving a minimum of 8 weeks’ notice, then:

* the rest of the 52 weeks of leave (up to a maximum of 50 weeks) can be taken as Shared Parental Leave (SPL)
* the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) can be taken as Statutory Shared Parental Pay (ShPP)

**3.3** If both parents/partners meet the qualifying requirements, they can decide how they want to divide their Shared Parental Leave and Pay entitlement.

**3.4** Shared Parental Leave can be taken in blocks. Employees can book up to 3 separate blocks of Shared Parental Leave. If both partners/parents are eligible for Shared Parental Leave, they can take up to 3 blocks of leave each. A minimum of 8 weeks’ notice needs to be given for each block of leave. If the employer/manager agree the blocks can be split into shorter period of a minimum of one week.

**3.5**        Paid Paternity Leave of up to two weeks will continue to be available to fathers/a mother's or adopter's partner.  In the past up to 26 weeks’ additional paternity leave could also be taken.  However, this entitlement has now been replaced by Shared Parental Leave.

**3.6** Adoptive and birth parents have the same entitlement to Shared Parental leave and pay.

**4. Shared Parental Leave (SPL)**

**4.1 Qualifying for Shared Parental Leave**

To qualify for **Shared Parental Leave** the employee/their partner need to meet all the following criteria:

|  |
| --- |
| 1. The employee must share responsibility for the child with one of the following:
* their husband, wife, civil partner
* their joint adopter
* the child’s other birth parent
* their partner (if they live with the employee and the child)
 |
| 1. The employee or their partner must also be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance
 |
| 1. The employee must also meet the continuity of employment test i.e.:
* have been employed continuously by the [organisation] for at least 26 weeks by the end of the “qualifying week” i.e. the 15th week before the baby’s due date or by the date they are matched with their adopted child.
* still be employed by the [organisation] in the first week that Shared Parental Leave is to be taken.
* give the correct notice including a declaration that their partner meets the employment and income requirements which allow the employee to get SPL (see D, below)
 |
| 1. During the 66 weeks before the week the baby is due (or the week the employee is matched with their adopted child) the employee’s partner must meet the employment and earnings test, i.e.:
* have been working\*1 for at least 26 weeks
* have earned an average of £30\*2 per week (i.e. above the maternity allowance threshold – this threshold may change in future) - in 13 of the 66 weeks.

\*1 This can be as an employee, worker or self-employed person. \*2 Amount in 2016. |

**4.2 Amount of Shared Parental Leave available**

Employed birth mothers/adopters are entitled to 52 weeks of Maternity/Adoption Leave There is a minimum 2 week compulsory maternity/adoption leave period which the mother/primary adopter must take immediately after the birth or placement of a child. However, following this two-week period, if an eligible partner ends their maternity or adoption leave early, giving a minimum of 8 weeks’ notice, then the remaining period of leave (up to a maximum of 50 weeks) can be taken as SPL.

**Example:** If an eligible mother/adopter has taken 10 weeks of their maternity/adoption leave, and chooses to end their leave early, this will leave 42 weeks of SPL available.

**5. Statutory Shared Parental Pay (ShPP)**

## 5.1 Qualifying for Statutory Shared Parental Pay

## To qualify for Statutory Shared Parental Pay a person needs to:

|  |
| --- |
| 1. be an employee ***and***
 |
| 1. be eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) ***or***
 |
| 1. be eligible for Statutory Paternity Pay (SPP) and have a partner who is eligible for Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP).
 |

**5.2 Statutory Shared Parental Pay Period.**

Employed birth mothers/adopters are entitled to 39 weeks of statutory maternity pay[[1]](#footnote-1), statutory adoption pay or maternity allowance. Following the two-week compulsory maternity/adoption leave period, if an eligible partner ends their maternity or adoption leave early, giving a minimum of 8 weeks’ notice, then the remaining weeks of pay or maternity allowance (up to a maximum of 37 weeks) can be taken as ShPP.

**Example:** If a mother/adopter has taken 10 weeks of their maternity/adoption pay period (following the two week compulsory maternity/adoption leave period), and chooses to end their leave and pay period early, this will leave 27 weeks of ShPP available.

**5.3 Amount of Statutory Shared Parental Pay (ShPP)**

ShPP is paid at a rate set by the Government for the relevant tax year.

ShPP is currently paid at the rate of £139.58\* a week or 90% of average weekly earnings, whichever is lower.  This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever the employee earns (with no maximum).

Statutory Shared Parental Pay is paid into an employee’s bank account in the same way as salary. When an employee commences leave the manager will complete a change form, which will be forwarded to Payroll, notifying them of the date Statutory Shared Parental Pay should start. [if your organisation does not use change forms then this will need to be altered to reflect the way in which your payroll is advised of salary changes].

\*2016 rate

**6. Taking Shared Parental Leave in blocks**

Shared Parental Leave (SPL) can be taken in up to 3 separate blocks of leave, rather than taking it as a single period of leave.

If the employee’s partner is also eligible for SPL, and both choose to take it, then both partners can take up to 3 blocks of leave each. The partners can take leave at different times or both at the same time.

When an employee applies for SPL they need to tell their manager about their plans to take leave – including whether and when they intend to take blocks of leave. These plans can be changed later, but a manager must be given at least 8 weeks’ notice before any block of leave can begin.

## 7. Continuous and discontinuous shared parental leave

When an employee who is eligible for shared parental leave gives formal notice of intention to take Shared Parental Leave they can request:

(a) a single block of continuous leave OR

(b) a period of discontinuous leave

Employees can submit up to three separate leave notices (including variations). Therefore, an employee can take three separate blocks of leave, provided that he or she gives his or her employer a separate notice of each period of leave, at least 8 weeks before it starts.

**Continuous leave** means leave taken in a single block

**Example:** Request is made for a single continuous period of leave between 2nd May – 6th June (total of 5 weeks’ SPL taken)

**Discontinuous leave** means a broken up period of leave taken, in blocks of at least one week, interspersed with returns to work

**Example:** Request is made for a discontinuous period of leave to be taken as follows:

2nd May – 15th May as leave,

16th May – 29th May back at work,

30th May – 5th June as leave.

(total of 3 weeks SPL taken)

An employer can refuse a request for discontinuous leave, but cannot refuse a request for a continuous period of leave, provided the required 8 weeks’ notice has been given.

**7.1 Refusing a discontinuous period of leave**

Where a discontinuous period of leave is likely to be very disruptive, then the employer can refuse the discontinuous leave request.

The employer could have a discussion with the employee to suggest alternative dates for a period or periods of leave and try to reach a mutual agreement about the leave dates.

However, if no agreement can be reached then the employer refusing a discontinuous period of leave can require the employee to either:

1. Withdraw the request within 15 days of the original request **or**
2. Take the requested leave in a continuous block (they may ask to change the start date of this leave – provided the new start date is no earlier than 8 weeks after the original request was made).

**Example:** A single period of leave notice/request is made for a discontinuous period of leave to be taken as follows:

2nd May – 15th May as leave,

16th May – 29th May back at work,

30th May – 5th June as leave.

(total of 3 weeks’ SPL taken)

The employer refuses the discontinuous leave, and asks the employee to either withdraw the request or to take the leave as a continuous block.

The employee may then choose to:

1. take the leave as a continuous block – e.g. from 2nd May – 5th June (total of 5 weeks’ SPL). If they do this, they still have the right to make two further requests/notices of leave.
2. withdraw the request – if they do this then they still have the right to make three separate requests/notices of leave or variation of leave.

The employee could then choose to submit up to three separate requests/notices for three separate periods of continuous leave – for example, as follows:

Notice/Request 1 5 weeks’ continuous leave beginning on 2nd May

Notice/Request 2 2 weeks’ continuous leave beginning on 1st August

Notice/Request 3 4 weeks’ continuous leave beginning on 10th October.

Provided that the employee has sufficient SPL to take and gives at least 8 weeks’ notice, in a separate request/notice of leave for each of these separate blocks of leave, then the employer cannot refuse the requests.

**INSERT LOGO**

**Shared Parental Leave Procedure**

1. **Introduction**

This procedure covers the process to be followed by staff and managers in relation to Shared Parental Leave and Statutory Shared Parental Pay.

1. **Notifying the organisation of an entitlement to, and intention to take, Shared Parental Leave (SPL)**

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take to SPL, at least 8 weeks before they can take any period of SPL using either Form 1A (at Appendix A) or Form 1B (at Appendix B) depending on whether they are the mother/primary adopter or the partner of the mother/primary adopter.

It is the employee’s responsibility to check that they are eligible for SPL and ShPP and the [organisation] will grant leave and pay based on the information and declarations provided by the employee. If it is subsequently discovered that ShPP was incorrectly paid, the [organisation] will correct their records and recover wrongly paid ShPP as an overpayment of salary.

* 1. **Requesting further evidence of eligibility**

If not already submitted with Form 1A or 1B, the [organisation] may, within 14 days of the SPL entitlement notification being given, request:

* 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 are 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 SPL, the employee must produce this information within 14 days of the request.

1. **Discussions regarding Shared Parental Leave (SPL).**

On receiving a notice of entitlement and intention to take shared parental leave form (Forms 1A or 1B) the line manager should arrange a meeting with the employee to discuss it (see Appendix D for a template invitation to meeting letter and Appendix E – guidance notes on conducting the meeting).

The meeting 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, or if the employee is on Maternity or Adoption leave at the time of the request, then the meeting can be held by telephone.

The employee may, if they wish, be accompanied at the meeting by a workplace colleague, trade union representative or a friend, not acting in a legal capacity

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 there is a request for discontinuous leave the discussion may also focus on how/whether the leave proposal can be agreed and if not, whether a modified arrangement would be agreeable to the employee and the organisation, and what the outcome may be if no agreement is reached (see Section 7 above of the Policy).

The manager should always confirm the decision about SPL in writing (a template approval letter is attached at Appendix F and a template letter to be used where a discontinuous leave request needs to be refused at Appendix G).

1. **Booking Shared Parental Leave (SPL)**

Employees should give notice to take leave at the same time as notifying their manager of entitlement to SPL and Statutory Shared Parental Pay (ShPP), using either Form 1A (at Appendix A) or Form 1B (at Appendix B) depending on whether they are the mother/primary adopter or the partner of the mother/primary adopter

* They must give the correct notice of at least 8 weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.
* An employee has the right to submit up to three notifications specifying leave periods they are intending to take (these include requests to vary agreed leave).
* Each notification may detail either (a) a single period of weeks of leave; or (b) a period of discontinuous leave, where the employee intends to return to work between periods of leave.
* SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

Once a period of leave is agreed the employee’s manager should arrange to raise a change form, notifying their Payroll of the start and end date of the block of leave and how many weeks ShPP should be paid, if applicable.

**4.1 Continuous leave notifications**

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 manager has been given at least 8 weeks’ notice. The manager cannot refuse this request.

An employee may submit up to three separate notifications for continuous periods of leave (including requests to vary agreed leave).

**4.2** **Discontinuous leave notifications**

A member of staff can also submit a notification requesting discontinuous leave, so long as it does not exceed the total number of weeks of SPL available to them and the manager has been given at least 8 weeks’ notice.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the organisation against any adverse impact to the service.

Where there is concern over accommodating the notification, the manager should immediately (and in any event not later than 10 calendar days after receiving the notification) arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see Appendix E for guidance on conducting a SPL meeting).

Having carefully considered the request, the manager has the right to refuse it. If the leave pattern is refused, the employee can:

1. Take the discontinuous periods of leave requested in one continuous block, beginning on the start date which they originally requested. If they want this continuous period of leave to begin on a different day, then they need to confirm this in writing - the new start date cannot be earlier than 8 weeks from the date of the original notice.
2. Withdraw their notification within 15 days of the original request. This would then not count as one of their notifications.
3. They can then submit another period of leave request. Any new request will need to give 8 weeks’ notice of the block of leave requested.

See the example at 7.1. of the Shared Parental Leave Policy (above),

**4.3 Cancelling or varying booked Shared Parental Leave (SPL)**

An employee is permitted to vary or cancel any agreed and booked period of SPL, provided that they advise their manager in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. The request to vary SPL form 2 appears at Appendix C.

A variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee’s right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the [organisation] 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 organisation.

1. **Working and communicating during Shared Parental Leave (SPL)**

Some contact during SPL periods will usually be beneficial for employers and employees. Whether this is done through SPLIT days or pre-arranged phone contact is for both parties to consider and agree.

**5.1 Reasonable contact**

Reasonable contact allows managers and members of staff to keep up-to-date on changes within the workplace and to personal circumstances that can help ease the employee’s return to work. The employer has legal obligations to the employee while they are away from work and therefore should keep the employee informed about everyday issues e.g. staffing changes and job opportunities.

How and when contact will take place should be discussed and agreed upon in advance of the leave period being taken.

## 5.2 Shared Parental Leave in touch (SPLIT) days

During SPL an employee and their manager will be able to agree up to 20 Shared Parental Leave In Touch (SPLIT) days.[[2]](#footnote-2) These are in addition to the 10 Keeping In Touch (KIT) days available to employees on maternity or adoption leave. There is no obligation on an employer to offer these days or for an employee to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for the employee to attend a work-related activity, for example a training session or a team meeting, or to work part of a week to help the employee return to their role in a gradual way.

During SPL an employee and employer will be able to agree up to 20 Shared Parental Leave In Touch (SPLIT) days. These are in addition to the 10 Keeping In Touch (KIT) days available to employees on Maternity/Adoption leave. There is no obligation on an employer to offer these days or for an employee to agree to them. SPLIT days can be used in situations where both parties feel it would be beneficial for the employee to attend a work-related activity, for example a training session or a team meeting, or to work part of a week to help the employee return to their role in a gradual way.

SPLIT days can be consecutive and can be shorter than a normal working day, to allow the employee to attend a training session for example. Working for a part of any day counts as one whole SPLIT day and employees will only be paid for the hours they have worked that day. By law, a mother/primary adopter may not work during the two weeks immediately following the birth/placement of a child.

A member of staff who works a SPLIT day will be paid at their normal hourly rate for the number of hours worked on that day

Payment of SPLIT days may be given on the return from SPL, or on the next monthly pay day depending on when the employee wants to be paid for them. The employees’ manager should ensure that a change form is completed to confirm the date(s) the SPLIT day was taken and the duration of each day in hours. [If your organisation does not use change forms then this needs to be amended to whatever documentation is used to ensure that the payroll is correctly run]

1. **Sickness during Shared Parental Leave (SPL)**

Staff are not entitled to sick pay whilst on SPL. However, if the member of staff is ill on or after the date they have agreed to return to work following leave and submit a medical statement from a registered medical practitioner, or a self-certificate to cover the absence, they will be entitled to sick leave in accordance with normal sick leave provisions. It is the employee’s responsibility to keep their manager informed of any illness or changed circumstances that may affect an anticipated date of return.

1. **Annual Leave / Bank Holidays**

Employees still accrue annual leave while on SPL.in accordance with their annual leave entitlement as set out in their contract of employment. Accrual of bank holidays during SPL is dependent on the terms of the contract of employment.

At the end of the SPL period, the employee will need to agree with her/his manager how s/he will take the annual leave accrued – giving 8 weeks’ notice of the annual leave which will be taken. Normally this is done by using all the accrued annual leave immediately following the end of SPL– prior to physically returning to work.

**8. Job on Return**

Employees have a right to return to the same job after Shared Parental Leave if their leave period (comprising of maternity/paternity/adoption and shared parental leave) totals 26 weeks or less. Where the number of weeks’ leave exceeds 26 weeks the member of staff will normally return to the same post. However, if this is not possible, then s/he has the right to return to a post on the same, or no less favourable, terms and conditions than those s/he enjoyed before the SPL.

If staff wish to return to different hours or duties, they will need to discuss and agree this with their manager and submit a Flexible Working Request (please refer to the [organisation’s] Flexible Working Policy) at the earliest opportunity and at least 8 weeks before the return date.

**9. Terms and conditions during shared parental leave**

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind will continue and contractual annual leave entitlement will continue to accrue.

**9.1 Pension Scheme contributions [include where this is appropriate]**

Shared Parental Leave is treated as pensionable service and the [organisation] will continue to make XX% contributions on behalf of the employee into the pension scheme based on the usual salary. The [organisation] will continue to take an employee contribution rate of XX%, based on the usual salary, during the period when an employee is receiving ShPP, unless otherwise instructed by the employee.

**10. Special circumstances**

In certain situations an employee’s rights and requirements to take SPL do change.

**10.1 Early birth/Early adoption placement**

If the child is born before their expected due date/placed for adoption earlier than expected and the employee had booked to take SPL within the first 8 weeks of the due/placement date, they may take the same period of time off after the actual birth/placement without having to provide 8 weeks’ notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee’s three notifications.

Any leave arranged after the first 8 weeks of the due/placement date is still bound by the 8-week notice required to vary leave.

If the child is born more than 8 weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, then there is no requirement to give 8 weeks’ notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the actual birth.

**10.2 Delayed adoption placement date**

If the child is placed for adoption later than expected and the employee had booked to take SPL within the first 8 weeks of the placement date, they may take the same period of time off after the placement without having to provide 8 weeks’ notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee’s three notifications.

Any leave arranged after the first 8 weeks of the placement date is still bound by the 8-week notice required to vary leave.

**10.3 Multiple births/adoptions**

An employee is not entitled to extra SPL or ShPP if they are expecting more than one child. The entitlements are, like maternity/adoption leave, the same as if the employee was expecting one child. This also applies to multiple adoptions which occur in a single placement.

**11. Fraudulent claims**

The [organisation] can, should there be a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the Disciplinary Procedure.

**Appendix A**

**INSERT LOGO**

**A MOTHER/PRIMARY ADOPTIVE PARENT’S NOTICE OF ENTITLEMENT**

**AND INTENTION TO TAKE SHARED PARENTAL LEAVE FORM 1(A)**

You should use this form if you are an [organisation] employee and the birth mother or the person who is eligible for adoption leave and/or pay to notify the [organisation] that you wish to end your maternity/adoption leave and to apply for shared parental leave. Please keep a copy of this application form, give a copy to your manager.

|  |  |
| --- | --- |
| **To:** Manager  | Name:  |
| Job Title:  |
| Department:  |

**A – Notice to end maternity/adoption leave (Curtailment Notice)**

I wish to give notice to end my maternity/adoption leave to take up Shared Parental Leave, as well as confirmation of my eligibility and the required declarations from myself and my partner.

|  |  |
| --- | --- |
| Start date of maternity/adoption leave or pay or maternity allowance taken in respect of the child. |  |
| End date of maternity/adoption leave or pay or maternity allowance taken in respect of the child (as indicated in your original maternity/adoption application)  |  |
| New proposed end date of maternity/adoption leave or pay or maternity allowance taken in respect of the child (if this is different from the date above) |  |
| Total number of weeks maternity/adoption leave which will have been taken as at the new proposed end date |  |
| The date on which your child is expected to be born **and** The actual date of birth. **or** In the case of an adopted child, the date on which you were notified of having been matched with your child **and** The date of placement for adoption.  |  |

**B. Partner Details**

|  |  |
| --- | --- |
| Partner’s Name |  |
| Partner’s National Insurance Number |  |
| Partner’s relationship to the child |  |
| Partner’s employer:Name:Address:Telephone Number of line manager:E-mail address of line manager:**NB** If your partner is no longer employed or is self-employed their contact details must be given instead.  |  |

**C. Request to book shared parental leave**

|  |  |
| --- | --- |
| The total number of Shared Parental Leave weeks available. ***NB*** *This will be 52 weeks minus the total number of weeks maternity/adoption leave which you intend to take.**Mothers/Adopters must take 2 weeks ‘Compulsory Maternity/Adoption Leave’ following the birth or match of the child*  |  |
| The amount of Shared Parental leave (SPL) each parent intends to take (in full weeks)**NB** SPL must be taken in whole weeks |
| The number of weeks of SPL you intend to take: |  |
| The number of weeks of SPL your partner intends to take |  |
| Dates when you expect to take the leave (this can be changed at a later date, with a minimum 8 weeks notice of any change). The leave can be taken as a continuous block or you can make a request to take the leave in up to three blocks. |  |

**D. Request to book Statutory Shared Parental Pay**

|  |  |
| --- | --- |
| The amount of Statutory Shared Parental Pay (ShPP) available. **NB** This will be 37 weeks minus the number of weeks maternity or adoption leave and pay which you intend to take. |  |
| The amount of Statutory Shared Parental Pay (ShPP) each parent intends to take (in full weeks). |  |
| The number of weeks of ShPP you intend to take: |  |
| The number of weeks of ShPP your partner intends to take: |  |
| Dates when you expect to take the pay (this can be changed at a later date, with a minimum 8 weeks notice of any change).  |  |

**E. Documentation required to confirm eligibility**

Please attach or provide to your line manager, within 14 calendar days of submitting this SPL notice form, the following:

* A copy of your child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth) or
* Documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with your child and the date on which the agency expects to place your child for adoption.

This documentation will be maintained, confidentially, on your personal file..

**F. DECLARATION to be completed by the mother/adoptive parent who is an employee of** [organisation] **.**

I declare that my partner and I both meet the statutory conditions for entitlement to shared parental leave and statutory shared parental pay, and those outlined in the [organisation’s] Shared Parental Leave Policy. I understand that the [organisation] may contact my partner’s employer and/or HMRC to verify and share information.

I undertake to comply with the requirements of the [organisation’s] shared parental leave policy.

If at any point I, or my partner cease to be eligible for shared parental leave or statutory shared parental pay I will immediately inform my manager. . I confirm that the information provided on this form is accurate.

I consent to the [organisation] holding and processing the information provided in this form and for ShPP.

Signed by applicant: Date:

**G DECLARATION to be completed by the Partner of the employee of** [organisation] **.**

I declare that my partner and I both meet the statutory conditions for entitlement to shared parental leave and shared parental pay, and those outlined in the [organisation’s] Shared Parental Leave Policy.

I confirm that the information provided on this form is accurate.

I consent to the [organisation] holding and processing the information provided in this form and for ShPP.

Signed by mother/adoptive parent’s partner: Date:

**H Manager’s agreement**

I confirm that I have discussed the dates above and have agreed the leave and pay requested.

Signed by Line Manager: Date:

**Appendix B**

**INSERT LOGO**

**A PARTNER’S NOTICE OF ENTITLEMENT AND INTENTION TO TAKE
SHARED PARENTAL LEAVE FORM 1(B)**

You should use this form if you are an organisation] employee and the partner of the child’s mother/primary adoptive parent\* to notify the organisation] that you have an entitlement. Please keep a copy of this application form, give a copy to your manager..

\*This is the birth mother or the person who is eligible for adoption leave and/or pay

|  |  |
| --- | --- |
| **To:** Manager | Name:  |
| Job Title:  |
| Department:  |

I wish to provide the organisation] with notice that I intend to take shared parental leave and/or statutory shared parental pay, as well as confirmation of my eligibility and the required declarations from myself and the mother/adoptive parent.

**A Information to be provided by the employee**

|  |  |
| --- | --- |
| Your Partner’s name: |  |
| The start date of your partner’s maternity/adoption leave or pay or maternity allowance  |  |
| Confirmation that your partner has curtailed or intends to curtail their maternity/adoption leave or return to work before the end of the statutory maternity/adoption leave period. (Y/N) |  |
| The proposed end date of your partner’s maternity/adoption leave or pay or maternity allowance.  |  |
| Total number of weeks maternity/adoption leave which will have been taken as at the proposed end date |  |
| The date on which your child is expected to be born **and** The actual date of birth. **or**In the case of an adopted child, the date on which you were notified of having been matched with your child **and** The date of placement for adoption.  |  |

**B. Partner Details**

|  |  |
| --- | --- |
| Partner’s Name |  |
| Partner’s National Insurance Number |  |
| Partner’s relationship to the child |  |
| Partner’s employer:Name:Address:Telephone Number of line manager:E-mail address of line manager:**NB** If your partner is no longer employed or is self-employed their contact details must be given instead.  |  |

**C. Request to book Shared Parental Leave**

|  |  |
| --- | --- |
| The total number of Shared Parental Leave weeks available. ***NB*** *This will be 52 weeks minus the total number of weeks maternity/adoption leave which you intend to take.**Mothers/Adopters must take 2 weeks ‘Compulsory Maternity/Adoption Leave’ following the birth or match of the child*  |  |
| The amount of Shared Parental leave (SPL) each parent intends to take (in full weeks)**NB** SPL must be taken in whole weeks |
| The number of weeks of SPL you intend to take: |  |
| The number of weeks of SPL your partner intends to take |  |
| Dates when you wish to take the leave (this can be changed at a later date, with a minimum 8 weeks notice of any change). The leave can be taken as a continuous block or you can make a request to take the leave in up to three blocks. |  |

**D. Request to book Statutory Shared Parental Pay**

|  |  |
| --- | --- |
| The amount of Statutory Shared Parental Pay (ShPP) available. **NB** This will be 37 weeks minus the number of weeks maternity or adoption leave and pay which you intend to take. |  |
| The amount of Statutory Shared Parental Pay (ShPP) each parent intends to take (in full weeks). |  |
| The number of weeks of ShPP you intend to take: |  |
| The number of weeks of ShPP your partner intends to take: |  |
| Dates when you expect to take the pay (this can be changed at a later date, with a minimum 8 weeks notice of any change).  |  |

**E. Documentation required to confirm eligibility**

Please attach or provide to your line manager, within 14 calendar days of submitting this SPL notice form, the following:

* A copy of your child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth) or
* Documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with your child and the date on which the agency expects to place your child for adoption.

This documentation will be maintained, confidentially, on your personal file.

**F. Declaration to be completed by the partner of the mother/primary adoptive parent who is an employee of [**organisation] **.**

I declare that my partner and I both meet the statutory conditions for entitlement to shared parental leave and statutory shared parental pay, and those outlined in the [organisation’s] Shared Parental Leave Policy. I understand that the [organisation] may contact my partner’s employer and/or HMRC to verify and share information.

I undertake to comply with the requirements of the [organisation’s] shared parental leave policy.

If at any point I, or my partner cease to be eligible for shared parental leave or statutory shared parental pay I will immediately inform my manager..

I confirm that the information provided on this form is accurate.

I consent to the [organisation] holding and processing the information provided in this form and for ShPP.

**Signed by applicant: Date:**

**G. Declaration to be completed by the Partner of the employee of [**organisation] **.**

I declare that my partner and I both meet the statutory conditions for entitlement to shared parental leave and shared parental pay, and those outlined in the [organisation’s] Shared Parental Leave Policy.

I confirm that the information provided on this form is accurate.

I consent to the [organisation] holding and processing the information provided in this form and for ShPP.

**Signed by mother/adoptive parent’s partner: Date:**

**H. Manager’s agreement**

I confirm that I have discussed the dates above and have agreed the leave and pay requested.

**Signed by Line Manager: Date:**

**Appendix C**

**INSERT LOGO**

**Request to vary a period of shared parental leave form 2**

You should complete this form if you wish to make a request to vary a previously approved period of Shared Parental Leave/Statutory Shared Parental Pay.

You must have previously submitted a Notice of Entitlement and Intention to Take Shared Parental Leave form (either form 1A or form 1B) and have had your eligibility for shared parental leave confirmed.

|  |  |
| --- | --- |
| **Name (employee of** [organisation] **)** |  |
| **Name of your partner** |  |

**Request to vary previously requested parental leave/pay dates**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Previously approved start date(s)** | **Previously approved end date(s)**  | **Number of weeks’ leave** | **Number of weeks’ pay**  | **Detail of the change you would like to request**  |
|  |  |  |  |  |
|  |  |  |  |  |
|  |  |  |  |  |

**New Requested Shared Parental Leave/Pay Dates**

|  |  |  |  |
| --- | --- | --- | --- |
| **Start Date(s)** | **End date(s)** | **Number of weeks’ leave** | **Number of weeks’ pay** |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
| **Total weeks’ leave** |  |  |  |
| **Total weeks’ pay** |  |  |  |

**Declaration**

We declare that we both continue to meet the statutory conditions for entitlement to shared parental leave and statutory shared parental pay, and those outlined in the [organisation’s] Shared Parental Leave Policy.

If at any point either of us cease to be eligible for shared parental leave or statutory shared parental pay this will immediately be communicated to the appropriate line manager at [organisation] .

We confirm that the information provided on this form is accurate.

We consent to the [organisation] holding and processing the information provided in this form and for ShPP.

**We confirm that we agree to the request / variation outlined above.**

**Signed (**Employee)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Signed:** (Employee’s Partner) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Manager’s Confirmation**

I confirm that I have discussed the dates above and have agreed the leave and pay requested OR

I have been unable to agree the leave and pay requested.

**Signed by Line Manager: Date:**

**Appendix D**

**Acknowledgement of Eligibility for SPL & invite to meeting letter**

Department Name

Address

Address

Tel:

**Strictly Private & Confidential**

Name & Address

DATE

Dear ………………..

I am writing in relation to the notice of entitlement and intention to take shared parental leave form which you submitted on dd/mm/yy, advising us of your entitlement to take Shared Parental Leave and how you and your partner wish to share the leave.

Firstly, congratulations – it is great news that you and your partner are expecting a baby/have had a child placed for adoption,

I can confirm that, based on the information you have provided me, you are entitled to take Shared Parental Leave and that you and your partner currently have ……….. weeks of Shared Parental Leave and ………………… weeks of Statutory Shared Parental Pay to take.

[**Where appropriate:** As the dates you have requested are discontinuous, before we can confirm whether or not the [organisation] is able to agree to those dates we would like to meet with you to discuss your request in more detail] OR

I would like to arrange a convenient time to discuss your notification with you.

I therefore suggest a meeting at **[location]** on **[date]** at **[time]**. You may, if you wish, be accompanied by a workplace colleague, trade union representative or a friend.

Please could you contact me to confirm whether you are able to attend the meeting suggested above or, if not, to suggest an alternative time and date.

If you have any questions about any aspect of your shared parental leave and/or pay entitlement, please do not hesitate to speak to me..

Yours sincerely,

**Manager’s Name**

**Job Title**

**Appendix E**

**Conducting a Meeting to discuss a notification for Shared Parental Leave**

It is helpful for managers to have a meeting with the employee once the manager has received a notice to book SPL.

Even when the notification is for continuous leave and there is little to discuss, **or** where it is a request for discontinuous leave that is likely to be refused, holding such a meeting can help ensure mutual understanding and avoid any confusion regarding the notification. It is possible for an employer and an employee to agree/accept a modification to an SPL notification at the meeting.

The meeting should be held in private and arranged in advance. If the initial date is problematic then another date should be arranged if possible, or if both parties agree, it could be held over the telephone

**Tips to help ensure a good discussion (for both parties)**

|  |
| --- |
| 1. Arrange a mutually convenient time and place |
| 2. Consider the notification details before the meeting and think about how the impact could be managed. |
| 3. Remember that with proper notification, the employee is entitled to take **continuous** Shared Parental Leave when they want and the purpose of the leave is to care for the child |
| 4. Consider what arrangements could be discussed to make the leave as mutually beneficial as practicable.  |
| 5. Prepare questions to ask at the meeting to ensure all points are clarified and dealt with. |
| 6. Be open-minded to suggestions to encourage flexibility. |
| 7. Give each other the chance to put forward views.  |
| 8. Discuss how the leave could be accommodated taking account of the employee’s workload. |
| 9. Record agreed outcomes from the meeting in writing and make sure both the manager and the employee have a copy. |

**Appendix F**

**SPL Approval Letter**

Department Name

Address

Address

Tel:

**Strictly Private & Confidential**

Name & Address

DATE

Dear ………………..

Thank you for your notice to take Shared Parental Leave commencing on dd/mm/yy which we discussed further at a meeting on dd/mm/yy.

I can confirm that you are entitled to take Shared Parental Leave as set out in your notification.

I can confirm that you will be away from work on Shared Parental Leave from ………………………… to ………………………….. [if leave is discontinuous then please amend as needed].

You will return to work on the first working day after your leave period ends.

During your leave period you will receive Statutory Shared Parental Pay from……………………………. to…………………………………. [If leave is discontinuous, or where no pay is applicable then please amend as needed]

If you and your partner wish to vary or reduce the amount of leave and/or pay that you have booked, then you must notify us of the change in writing at ***least eight weeks*** before any amended dates occur and inform us:

(a) of any Shared Parental Leave or Pay that you or your partner have already booked

(b) the number of weeks you are adding to your entitlement from your partner’s entitlement or the number of weeks you are deducting to give to your partner

(c) when you wish to take any additional weeks of leave.

You will also need to give us a declaration signed by you and your partner both consenting to the change. A notice to vary your booked leave will count as a new notice thereby reducing your entitlement to make three statutory notifications by a further one.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to me.

Yours sincerely,

**Manager’s Name**

**Job Title**

**Appendix G**

**Discontinuous SPL refusal letter**

Department Name

Address

Address

Tel:

**Strictly Private & Confidential**

Name & Address

DATE

Dear ………………..

Thank you for your notice booking Shared Parental Leave that was given on dd/mm/yy, which we discussed further at a meeting on dd/mm/yy.

Having given the proposal thorough consideration, I regret that the [organisation] is unable to agree to the pattern of discontinuous leave that you have requested. We have discussed alternative options, but agreement to an alternative pattern of leave has not been reached because [*insert reaso*n *why the pattern of leave requested cannot be accommodated].*

Given that it has not been possible for us to reach agreement, as I explained to you at our meeting, you have the following options:

1. To take the discontinuous periods of leave requested in one continuous block, beginning on the start date which you originally requested. If you would like this continuous period of leave to begin on a different day, then please confirm this to me by dd/mm/yy – please remember that this cannot be any sooner than 8 weeks from the date of your original notice.
2. To withdraw your notification on or before dd/mm/yy (NB this must be within 15 days of the original request). This would then not count as one of your notifications.
3. Naturally, you can then submit another period of leave request. Any new request will need to give 8 weeks’ notice of the block of leave you would like to take.

Unless your notice is withdrawn the total amount of leave requested in your notice, amounting to …………… weeks, will automatically become a continuous block of Shared Parental Leave. Unless you inform me otherwise this will begin on the date you originally requested your leave period to start dd/mm/yy.

If you have any questions about any aspect of your Shared Parental Leave and/or pay entitlement, please do not hesitate to speak to me..

Yours sincerely,

**Manager’s Name**

**Job Title**

**Appendix H**

**Frequently Asked Questions**

**What is Shared Parental Leave?**

Shared Parental Leave (SPL) is a new entitlement which allows eligible parents/partners to share the time off when they have a baby or adopt a child instead of the birth mother/adopter having up to 52 weeks of maternity/adoption leave.

SPL and Statutory Shared Parental Pay (SShPP) will be available for eligible employees whose baby is due on or after 5 April 2015 or who have a child placed with them for adoption on or after that date.

SPL must be taken between the baby’s birth and first birthday or within one year of the date of adoption.

**Is this the same as Parental Leave?**

No - Parental leave is a different entitlement, which allows employees to take time off work to look after a child's welfare. This leave is normally unpaid, and is available for each child up to their 18th birthday.

Parental Leave works like this:

* Employees must have completed one year's continuous service with their employer to qualify.
* 18 weeks of unpaid leave can be taken up for children under 18 years.
* Leave may be taken straight after the birth or adoption or following a period of maternity leave.
* Employees will need to request leave giving at least 21 days notice before the intended start date.
* Employers may ask for the notice to be in writing.
* As long as the employee qualifies for parental leave and gives the employer the correct notice the employee should be able to take parental leave at any time.

**Am I eligible for Shared Parental Leave?**

To qualify for Shared Parental Leave then you and your partner need to meet all the following criteria:

|  |
| --- |
| 1. The employee must share responsibility for the child with one of the following:
* their husband, wife, civil partner
* their joint adopter
* the child’s other birth parent
* their partner (if they live with the employee and the child)
 |
| 1. The employee or their partner must also be eligible for maternity pay or leave, adoption pay or leave or Maternity Allowance
 |
| 1. The employee must also meet the continuity of employment test i.e.:
* have been employed continuously by the [organisation] for at least 26 weeks by the end of the “qualifying week” i.e. the 15th week before the baby’s due date or by the date they are matched with their adopted child.
* still be employed by the [organisation] in the first week that Shared Parental Leave is to be taken.
* give the correct notice including a declaration that their partner meets the employment and income requirements which allow the employee to get SPL (see D, below)
 |
| 1. During the 66 weeks before the week the baby’s due (or the week the employee is matched with their adopted child) the employee’s partner must meet the employment and earnings test, i.e.:
* have been working\* for at least 26 weeks
* have earned an average of £30 per week (i.e. above the maternity allowance threshold – this threshold may change in future) - in 13 of the 66 weeks.

\*This can be as an employee, worker or self-employed person.  |

**Do I qualify for Statutory Shared Parental Pay?**

## To qualify for Statutory Shared Parental Pay you need to:

|  |
| --- |
| 1. be an employee ***and***
 |
| 1. be eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) ***or***
 |
| 1. be eligible for Statutory Paternity Pay (SPP) and have a partner who is eligible for Statutory Maternity Pay (SMP), Maternity Allowance (MA) or Statutory Adoption Pay (SAP).
 |

**What if both of us are eligible for SPL and ShPP?**

In some families, both parents/partners will be employed and meet the qualifying requirements for shared parental leave and pay.

In these circumstances, you and your partner will need to decide how to divide the leave and pay entitlement between you. Leave or pay taken by one of you will reduce the pool of leave and pay that is available to the other.

**How much is Statutory Shared Parental Pay?**

ShPP is paid at a rate set by the Government for the relevant tax year.

SShPP is currently paid at the rate of £139.58\* a week or 90% of your average weekly earnings, whichever is lower.  This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks SMP is paid at 90% of whatever the employee earns (with no maximum).

**\*rate in 2016**

**How much leave and pay can I take?**

Shared Parental Leave (SPL) can only start once the child has been born or adopted

The birth mother/primary adopter must take a minimum of 2 weeks’ maternity/adoption leave following the birth/placement of a child.

If one partner ends their maternity or adoption leave early, giving a minimum of 8 weeks’ notice, then:

the rest of the 52 weeks of leave (up to a maximum of 50 weeks) can be taken as Shared Parental Leave (SPL)

the rest of the 39 weeks of pay or Maternity Allowance (up to a maximum of 37 weeks) can be taken as Statutory Shared Parental Pay (ShPP)

**Example:** A mother and her partner are both eligible for SPL and ShPP. The mother ends her maternity leave and pay after 12 weeks, leaving 40 weeks available for SPL and 27 weeks available for ShPP. They can choose how to split this.

**Can my partner and I take SPL together?**

Yes, you can take SPL at the same time or at different times.

For example, if you and your partner want to spend the first six weeks at home together looking after a new baby you can give notice to reduce your maternity leave in order to create some shared parental leave for your partner to take immediately after his paternity leave. You must both give notice to take SPL.

**Is there a time limit on when Shared Parental Leave can be taken?**

SPL must be taken between the baby’s birth and first birthday or within one year of the date of adoption.

**What should we consider when deciding whether Shared Parental Leave is a suitable option for us?**

Some people who are eligible for SPL may find that other arrangements suit them better. You and your partner will need to give serious consideration as to which option will be most beneficial for your situation.

Some of the things you might want to consider are:

1. Whether one or both of you qualify for SPL and how you would like to share the care of the child.

2. Whether the mother/primary adopter wants to reduce maternity/adoption leave in order to take SPL instead.

3. Financial implications of reducing maternity/adoption leave where the [organisation’s] enhanced maternity/adoption pay applies. [remove this, if no occupational maternity/adoption leave is payable by your organisation]

4. Availability of other legal rights (such as flexible working requests, annual leave and parental leave) and how they could work alongside SPL.

5. The wider financial implications to the family e.g. pay and pensions.

If parents don’t choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, a mother may choose to reduce her maternity leave by two months, giving her partner the chance to take those two months as SPL (provided they give eight weeks’ notice to their employer and take the SPL within a year of the birth/adoption).

Having an early discussion with your manager can be helpful – giving you the opportunity to explore options, find out what discontinuous leave arrangements your manager may be agreeable to, and what plans s/he has to accommodate your leave. It is good practice for you and your manager to do this before formal notices to book leave are given.

**What are "SPLIT days"?**

You can agree to work (or attend training) for up to 20 days during shared parental leave without bringing your period of shared parental leave to an end or impacting on your right to claim shared parental pay for that week. These are called "Shared Parental Leave In Touch" or "SPLIT" days.

Your partner can also agree to a further 20 SPLIT days with their employer.

If you work a SPLIT day, you will be paid at your normal hourly rate for the number of hours worked on that day

Your manager can’t require you to work a SPLIT day and, equally, they are under no obligation to offer you any SPLIT days, during your shared parental leave.

**What do I have to do to book Shared Parental Leave?**

You need to give at least 8 weeks’ written notice to your manager of your entitlement to – and intention to take - SPL and ShPP. Your partner also needs to provide some information. There are forms designed for you to book Shared Parental Leave (Forms 1A and 1B attached to the Shared Parental Leave Policy and Procedure).

**What If I change my mind about the leave which I’ve booked?**

You can vary or cancel an agreed and booked period of SPL, provided that you advise your manager in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request. The request to vary SPL form 2 is attached to the Shared Parental Leave Policy and Procedure.

**How many blocks of leave can I take?**

Shared Parental Leave (SPL) can be taken in up to 3 separate blocks of leave, rather than taking it as a single period of leave.

If your partner is also eligible for SPL, then s/he can take up to 3 separate blocks of leave as well, provided that, between you, you don’t exceed the total amount of SPL available to you.

**How many requests/notifications for Shared Parental Leave can I make?**

You are entitled to make up to three notifications to take or vary Shared Parental Leave. Remember that a variation or cancellation notification, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of your child being born early, or as a result of the [organisation] requesting it be changed, and you agreeing, will not count as further notification.

**What is continuous shared parental leave?**

Continuous Leave a period of leave that is taken in one block e.g. four weeks’ leave.

**What is discontinuous shared parental leave?**

Discontinuous Leave is a broken up period of leave taken, in blocks of at least one week, interspersed with returns to work e.g. an arrangement where you ask to work every other week for a period of three months.

**Can my manager refuse my request/notification for Shared Parental Leave?**

Your manager/the [organisation] can’t refused a request/notification for Continuous Shared Parental Leave, provided you are eligible and have given at least 8 weeks’ notice.

However, a request for discontinuous Shared Parental leave can be refused.

 **What do I do if my request/notification for discontinuous Shared Parental Leave is refused?**

Where a discontinuous period of leave is likely to be very disruptive - then your manager can refuse the discontinuous leave request.

Your manager will have a discussion with you to suggest alternative dates for a period or periods of leave and for you both to try to reach a mutual agreement about the leave dates.

If no agreement can be reached, then your manager will ask you to:

* Withdraw the request within 15 days of the original request **or**
* Take the requested leave in a continuous block (they may ask to change the start date of this leave – provided the new start date is no earlier than 8 weeks after the original request was made).

**Example:** You might make a single period of leave notice/request for a discontinuous period of leave to be taken as follows:

2nd May – 15th May as leave,

16th May – 29th May back at work,

30th May – 5th June as leave.

(total of 3 weeks’ SPL taken)

Your manager isn’t able to support this and refuses the discontinuous leave. S/he asks you to either withdraw the request or to take the leave as a continuous block.

You could then choose whether to:

* take the leave as a continuous block – e.g. from 2nd May – 5th June (total of 5 weeks’ SPL). If you do this then you still have the right to make two further requests/notices of leave or variations of leave.
* withdraw the request – if you do this then you still have the right to make three separate requests/notices of leave or variation of leave.

After this, you might choose to submit up to three separate requests/notices for three separate periods of continuous leave as follows:

 **Notice/Request 1** 5 weeks’ continuous leave beginning on 2nd May

**Notice/Request 2** 2 weeks’ continuous leave beginning on 1st August

**Notice/Request 3** 4 weeks’ continuous leave beginning on 10th October.

Provided that you have enough SPL to take and give at least 8 weeks’ notice, in a separate request/notice of leave for each of these separate blocks of leave, your manager would not be able to refuse the requests because they are separate requests/notifications for three periods of continuous leave.

**PATERNITY LEAVE**

A father may be granted up to 2 weeks' paternity leave which must be arranged via their immediate Manager subject to the following guidelines. Paternity leave will be granted to fathers after the birth of their baby or the adoption of a child under the age of 18.

**Eligibility**

To qualify for paternity leave, you must:

* Have responsibility for the child's up bringing, be the biological father of the child or the mother's husband or partner;
* In the case of adoption, be the joint adopter or be married to the adopter and expect to have responsibility for the child’s upbringing.
* Have worked continuously for the Board for at least 26 weeks into the 15th week before the expected week of the child's birth.

[Parish] reserves the right to ask you to provide a self-certification as evidence that you meet the requirements.

**Duration of paternity leave**

Eligible staff can either take 1 or 2 weeks consecutive weeks' paternity leave, but not odd days. One period of leave only is allowed irrespective of whether it is a multiple birth or, more than one child is adopted as part of the same adoption.

You can start your leave from the date of the baby's birth or from another date that you give notice of, as long as that date is after the birth, or the placement day in the case of adoption.

The leave can start on any day of the week but must be completed within 8 weeks of the actual birth (or if the baby is born early, between the actual date of birth and up to 8 weeks after the expected week of the birth) or in adoption within 8 weeks of the child’s placement with the adopted family.

**Notification of paternity leave**

You must inform XX in writing of your intention to take leave in or before the 15th week before the expected week of childbirth. In the case of adoption you must notify XX of your intention to take paternity leave. Please complete the form in Appendix 1 at the foot of these guidelines. This sets out:

* The week the baby is due;
* Whether you want to take 1 or 2 weeks leave;
* When you want your leave to start.

Providing you give the Board at least 28 days notice in writing, you can change your mind about the start date for leave.

All making application for paternity leave will be required to complete certificate SC3 certifying that there is an entitlement to leave and pay. Please hand this form to HR. <https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-a-birth-parent-sc3>

For adoption the form is SC4

<https://www.gov.uk/government/publications/ordinary-statutory-paternity-pay-and-leave-becoming-an-adoptive-parent-sc4>

**Returning to Work**

Where you are returning from paternity leave as an isolated period, or where the paternity leave was the last of two or more consecutive periods of leave (that do not include, parental leave of more than 4 weeks or additional adoption leave), you should be allowed to return to the job in which you were employed before your absence.

Where you are returning from other periods of leave, you have the right to return to a job that is suitable and appropriate.

**Statutory Paternity Pay**

If you are eligible, <https://www.gov.uk/employers-paternity-pay-leave/eligibility> Statutory Paternity Pay (SPP) will be paid at the rate of SPP or 90% of your average weekly earnings, which ever is the lower.

You must also earn on average for the 8 weeks period prior to this not less than the lower limit for the payment of National Insurance contributions.

Appendix 1.

**PATERNITY LEAVE APPLICATION FORM**

You should use this form for notifying the Diocesan Board of Finance (DBF) that you wish to apply for paternity leave. Please keep a copy of this application form and give a copy to your manager. NB this form must be submitted no later than 15 weeks before the expected week of birth or adoption or as soon as practicable thereafter.

|  |  |
| --- | --- |
| To: Managercc: HR Administrator | Name:      |
| Job Title:       |
| Department:       |

**A – Paternity Leave**

|  |  |
| --- | --- |
| 1. Expected Week of birth or adoption |       |
| 2. Paternity leave start date |       |
| 3. Paternity return date  |       |

**B – Paternity Pay**

I have read the Paternity Policy and Guidance Notes and believe that I am entitled to:

|  |
| --- |
| 4a. Statutory Paternity Pay (SPP) (Gov.UK form SC3 for birth parent |[ ]
| 4b. Use form SC4 for adoption |[ ]

|  |  |
| --- | --- |
| Signed by applicant:       | Date:       |

**C – Manager’s agreement**

|  |  |
| --- | --- |
| 7. I confirm that I have discussed the dates above with the applicant and have agreed the paternity leave to commence on: |       |
| Signed by Line Manager:  |       | Date:       |

1. NB – Some organisations – including the DBF also offers some additional Occupational Maternity Pay (OMP) during this 39 week period, to people who have worked continuously for the organisation for at least one year at the 11th week before their expected week of confinement. See the Maternity Leave Policy for details If your organisation offers this then this footnote should be amended and included – if not it should be deleted. [↑](#footnote-ref-1)
2. Each partner can choose to take up to 20 SPLIT days – this total does not need to be shared between the partners. [↑](#footnote-ref-2)