



SAFFRON WALDEN TOWN COUNCIL

Parental Leave Adoption, Maternity & Paternity Policy

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Adoption Policy

Purpose and scope

- 1.1 The purpose of this policy is to meet the needs of employees adopting a child and/or to meet their family responsibilities after the placement of a child for whom they are responsible.
- 1.2 This policy applies to all employees of the Council, regardless of their length of service and employment status. There are however certain eligibility criteria, as set out below.

Eligibility

- 2.1 Adoption leave applies specifically to adoptive parents. It does not apply to employees taking on step families or foster caring responsibilities.
- 2.2 The right to adoption leave applies to men and women who adopt a child through an approved adoption agency. This includes employees who adopt a child from overseas provided they have received "official notification" in respect of that child. An official notification is defined as written notification, issued by or on behalf of the "relevant domestic authority", that it is prepared to issue, or has already issued and sent, a certificate to the overseas authority concerned with the child's adoption, confirming that the adopter is eligible to adopt and has been assessed and approved as being a suitable adoptive parent. The relevant domestic authority is defined as the Secretary of State
- 2.3 Where a couple jointly adopts a child/children, only one of them will be entitled to take adoption leave (the couple may choose which). The other adoptive parent will normally be entitled to take paternity leave, provided that he/she meets the appropriate eligibility criteria. Alternatively, the parents may opt for shared parental leave (see section 12).
- 2.4 In order to qualify for adoption leave, the employee must satisfy the following conditions:

Have or expect to have responsibility for the child's upbringing; Be the primary carer of the child, or be the adoptive parents husband/wife, partner or civil partner;
- 2.5 The Council may ask the employee to provide a self-certificate as evidence that they meet eligibility criteria i) and ii) above.

Notification to take adoption leave

- 3.1 In order to qualify for adoption leave the employee is required to give written notification of his/her intention to take adoption leave no later than seven days after the date on which notification of the match with the child/children is received from the adoption agency. The written notification must specify the date on which the child/children are expected to be placed for adoption and the date on which the employee intends to commence his/her adoption leave.
- 3.2 Adoption leave can start from the day on which the child is placed with the employee, or up to 14 days earlier. Or for a child adopted from overseas, adoption leave can start on the day on which the child enters Great Britain or on a chosen date no later than 28 days after the child enters Great Britain.
- 3.3 The employee is permitted to bring forward his/her adoption leave start date, provided that he/she gives at least 28 days' notice of the revised start date, or if this is not possible, as soon as reasonably practicable. The employee may also postpone his/her adoption leave, provided that he/she gives at least 28 days written notification before the original proposed start date, or if this is not possible, as soon as reasonably practicable.
- 3.4 For a child adopted within the UK, the employee is also required to provide a 'matching certificate' as evidence of their entitlement to adoption leave and pay. A copy of this should be sent to Human Resources for retention on the employee's personnel file.
- 3.5 For a child adopted from overseas, the employee must also produce a copy of the official notification. In addition, within 28 days of the child's entry into Great Britain the employee must inform the organisation of the date of entry and provide evidence of this date in the form of a plane ticket or copies of entry clearance documents. A copy of this should be sent to Human Resources for retention on the employee's personnel file.

Adoption leave and pay

- 4.1 Adoption leave is now a 'day one right'. Eligible employees are now entitled to take adoption leave even where they have recently changed jobs, as there is no qualifying period of service needed.
- 4.2 Adoptive parents are entitled to 52 weeks adoption leave, which comprises of 26 weeks ordinary adoption leave (OAL), followed immediately by up to 26 weeks additional adoption leave (AAL).
- 4.3 The partner of an individual who is adopting a child/children, or the other member of a couple who are adopting jointly, may be entitled to paternity leave and pay, subject

to meeting certain eligibility criteria. Please refer to the Paternity/Maternity Support Leave Policy for further details.

- 4.4 **Statutory Adoption Pay** Employees who have been continuously employed by the Council for 26 weeks or more by the end of the week in which they receive notification of a match are entitled to receive 39 weeks Statutory Adoption Pay (SAP). The first six weeks are payable at 90% of the employee's average weekly earnings and the next 33 weeks are paid at SMP rate.
- 4.5 **Occupational Adoption Pay** - Employees who have more than one years' continuous local government service on the 11th week before the expected adoption date will receive SAP of six weeks at 90% of the normal average weekly earnings followed by 33 weeks at the statutory rate, plus 12 weeks half pay of the normal average weekly earnings. The 12 weeks half pay is due following the expiry of the first six weeks at 90% pay and is subject to the employee returning to work for three months at the end of the adoption leave period.
- 4.6 **Adoption Pay Period** - Employees are entitled to receive SAP for 39 whole weeks. SAP is calculated, due and payable for whole weeks; it cannot be broken down into individual days. Employees may start claiming SAP on any day of the week. Therefore, if the employee starts receiving his/her SAP on a Tuesday, "weeks" within the pay period will run from Tuesday through to the following Monday, and so on.
- 4.7 **Payment of Adoption Pay** - Employees will continue to be paid on the 18th of each month. It is important to note, however, that a particular weeks' SAP may fall over two separate payment periods (e.g. two months' salary). This may result in the monthly amount received whilst on adoption leave being inconsistent. Once the employee has confirmed the date on which he/she intends to commence his/her adoption leave, he/she will receive a spread sheet detailing the payments they are due to receive during their period of adoption leave.

Time off to attend adoption appointments

- 5.1 Eligible employees and agency workers with 12 weeks service are now entitled to time off to attend adoption appointments in the period between being notified of a match and the child being placed with the family for adoption:
- 5.2 Single adopters are entitled to paid time off to attend up to 5 adoption appointments.
- 5.3 In the case of joint adoptions (i.e. a couple who have been jointly matched to adopt the child) one of the adopters will be entitled to paid time off to attend up to 5 adoption appointments. The other adopter may be entitled to unpaid time off work to attend up to 2 adoption appointments.
- 5.4 Up to 6.5 hours is allowed for each appointment.

- 5.5 Where there are joint adopters, the adopter who took paid time off to attend adoption appointments cannot claim paternity leave and pay.

Keeping in touch (KIT) days

- 6.1 Employees are able to work for up to 10 days during their adoption leave without losing their eligibility for SAP. KIT days can be used anytime during the adoption leave period.
- 6.2 KIT days can include attending a training course, conference or team meeting. Therefore, if an employee attends a work-related meeting for just one hour, this is classed as one whole KIT day. It should be noted that KIT days are optional; the Council has no right to demand that work is undertaken and, likewise, the employee has no right to be offered any work. There needs to be mutual agreement between the Council and the employee if either suggests the use of KIT days. It is recommended that no more than two KIT days are used consecutively.

Payment of KIT Days

7. The employee will receive a salary payment according to the hours worked during each KIT day. For any KIT days worked during their adoption leave period, a payment will be made for the difference between their SAP rate at that time (plus half pay, if applicable) and their normal hourly salary rate. It is important to note that if the employee works in excess of 10 KIT days during their adoption leave period, they will lose a whole weeks' SAP for any week in which work is undertaken.
- 7.1 For any KIT days which are worked following the expiry of the employee's adoption pay period, the employee will receive their normal salary according to the hours they work. This must, however, be agreed with the line manager in advance.

Confirmation of KIT Days

- 8 It is important to notify Human Resources when any KIT days are undertaken. The employee must therefore ensure that they complete a Keeping In Touch Day Notification Form, which must be authorised by their line manager. This form must then be forwarded to Human Resources to enable payment to be processed in their following months' salary.

Other pay-related information

Deductions from salary

- 9.1 Whilst employees are receiving maternity pay, deductions will continue to be made for union subscriptions, car loan, childcare vouchers etc, if applicable. Please note, childcare vouchers cannot be deducted from statutory maternity pay, so you will need to make alternative arrangements. Employees will be required to make alternative arrangements for payments due during any period of unpaid maternity leave.

Pension Scheme

- 9.2 If the employee is a member of the Local Government Pension Scheme, contributions will continue to be deducted from all contractual and/or statutory adoption pay. For any remaining unpaid period of adoption leave the employee is invited to pay contributions based on the pay they were receiving immediately before the unpaid period started. This will enable the unpaid period to count in full for pension purposes. Employees have up to 30 days after they return to work to decide whether they wish to make up these contributions. Figures can be provided to the employee on the outstanding balance due before a decision is made.

Treatment of Car Allowances

- 9.3 Any entitlement to the cash alternative or essential car user allowance will also be paid in full throughout the paid and unpaid period of adoption leave (subject to any protected allowances being removed during this period or annual mileage reviews).

Annual leave and bank holidays

- 9.4 Annual leave is not affected by the employees adoption leave and will continue to accrue normally during this period. Where the period of adoption leave falls over two separate leave years, employees are encouraged to take any outstanding annual leave entitlement which is due to them before the commencement of their adoption leave. The normal carry forward balance of five days (pro rata for part-time staff) will apply, unless it is not possible for the employee to take their leave prior to the commencement of adoption leave for business reasons. The employee's Line Manager will then be required to authorise any carry forward balance of more than five days (pro rata for part-time staff).
- 9.5 In authorising a carry forward balance which is in excess of the normal five days, the **maximum** number of days which the Line Manager may consider will be pro rata dependent upon the amount of time available to the employee to take their annual leave prior to commencing adoption leave. For example, (based on an April leave year, entitlement of 26 days per annum), should the employee commence their adoption leave on 01 October, this gives six months between 01 April to 30 September in which to use a minimum of half of their annual leave entitlement (13 days). Therefore, the employee would be able to request via their Line Manager to carry forward a **maximum** of 13 days to the following leave year. Should the employees adoption leave fall over two annual leave years, the same principle would apply to their carry forward balance in the following leave year should the employee be unable to use their outstanding leave entitlement due to business reasons.
- 9.6 Employees are also entitled to receive any bank holidays which fall within their adoption leave period. Employees will therefore be credited with a substitute day of paid leave for any bank holidays which fall within this period. For those bank holidays that fall within the leave year in which the adoption leave period commences, these

will be credited to the carry forward balance to the following annual leave year upon the employee's return to work.

Continuous employment

- 10 The employee continues to be employed during their adoption leave period, which counts towards their period of continuous employment for the purposes of entitlement to other statutory employment rights (for example, the right to a redundancy payment).

Notice of intention to return to work

- 11.1 The employee is entitled to remain on adoption leave for up to 52 weeks counting from the beginning of the adoption leave period. They may, however, return to work earlier if they wish but are obliged to give eight weeks written notice of their intention to do so. If the employee wishes to return to work earlier than the eight-week notice period, and this request meets the needs of the business, it is at the managers' discretion to authorise such requests.
- 11.2 If the employee decides not to return to work following a period of adoption leave, they are required to give the Council notice of their resignation in accordance with the terms and conditions of their employment. If the notice period expires after the adoption leave period has ended, the employee would be required to return to work for the remainder of their notice period.
- 11.3 Should the employee wish to return to work on a part-time or flexible working basis, they are entitled to apply under the Flexible Working Regulations/ Policy. The line manager is obliged to positively consider the request within the context of business needs. If the manager feels that the request cannot be met by the Council, they must provide evidence that the role is not suitable for part-time/flexible working. Any applications which are refused by the manager will be submitted to a Flexible Working Panel to ensure that all applications are treated consistently across the Council. The manager will be invited to attend the panel to present their argument.
- 11.4 If the flexible working application involves a job share proposal and the position is considered suitable for job share, the other part of the job share will be advertised in the normal way. If no suitable job share partner can be found, the job share application can be refused on these grounds. However, other variations to the normal working pattern could be considered, e.g. annualised hours, term time working, etc.
- 11.5 For further information, please see the Flexible Working Regulations/ Policy.

Right to return to work

- 12.1 The employee has the right to return to the same job in which he/she was originally employed and on terms and conditions not less favourable than those which would have applied had he/she not have been absent. (Job for this purpose means the nature of work, which he/she is employed to do and the capacity and place in which he/she is so employed).
- 12.2 However, there can be exceptions to this, depending on whether the employee returns to work after a period of Ordinary Adoption Leave or Additional Adoption Leave.

Ordinary Adoption Leave (OAL)

- 12.3 This is defined as where an employee returns to work at the end of or within 26 weeks of commencing adoption leave. An employee who returns to work after OAL is entitled to return to the same job on the same terms and conditions of employment as if he/she had not been absent. Where it is not practicable by reason of redundancy for the authority to permit the employee to return to work in their original job, they shall be entitled to be offered a suitable alternative vacancy, where one exists. Any new job must be suitable to the employee and appropriate to the circumstances, and the capacity and place in which they are employed and their terms and conditions of employment must not be substantially less favourable than if they had been able to return in the job in which they were originally employed.
- 12.4 Suitable alternative employment may also be offered if exceptional circumstances occur (other than redundancy) whilst the employee is on adoption leave and would have occurred had the employee not been absent. For example, a reorganisation may occur where it may be necessary to change an employee's post. Any new position offered to the employee must be suitable to them and appropriate to the circumstances, and the capacity and place in which they are to be employed and their terms and conditions should not be substantially less favourable.

Additional Adoption Leave (AAL)

- 12.5 This is defined as where an employee returns to work more than 26 weeks after commencing adoption leave. An employee who returns to work after AAL is entitled to return to the same job on the same terms and conditions of employment as if they had not been absent, unless there is a reason why it is not reasonably practicable for them to return to their old job (other than those reasons identified above), in which case the employee should be offered a similar job on terms and conditions which are not substantially less favourable than their original job.

Transfer of adoption leave

Shared parental leave

- 13.1 Shared parental leave is available in relation to children placed for adoption on or after 5 April 2015. Shared parental leave enables one of the adoptive parents to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner. Please refer to the Council's Shared Parental Leave Policy
- 13.2 Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the individual needs the organisation's agreement).
- 13.3 To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the partner curtailing his/her adoption leave.
- 13.4 Employees can refer to the Council's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adoption leave can be curtailed. The policy also sets out the notice periods with which employees must comply and what evidence they must provide to the Council. The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

Roles and responsibilities

Human Resources

- 14.1 Human Resources will be responsible for providing advice and guidance to managers and employees regarding adoption matters.
- 14.2 Human Resources will also undertake the associated administration and communications.

The Line Manager

- 14.3 The Line Manager will be responsible for liaising with the employee regarding adoption leave dates and communicating with Human Resources with regards to the arrangement of adoption leave cover.

The Employee

- 14.4 To liaise with their line manager in respect of their intended adoption leave dates.

- 14.5 To provide written notification in accordance with the timescales detailed within the policy, providing copies of all relevant paperwork, such as a matching certificate, where appropriate.

Maternity Policy

Ante-natal Care

- 1.1 You have the right not to be unreasonably refused paid time off during working hours to receive ante-natal care.
- 1.2 The appointment must be made on the advice of a registered doctor, midwife or health visitor. After the first appointment, you must be prepared to produce a certificate confirming your pregnancy and your appointment card. Time off for ante-natal classes will be paid at the appropriate hourly rate, the calculation of which depends on whether or not you have regular hours.

Maternity Leave

- 2.1 You are entitled to a maximum of 52 weeks maternity leave comprising of Ordinary Maternity Leave and Additional Maternity Leave.

You are entitled to Maternity Leave provided you notify the Council on or before the 15th week before the baby is due of:

- 2.1.1 your pregnancy; and
- 2.1.2 your Expected Week of Childbirth (EWC); and
- 2.1.3 the date on which you intend your Ordinary Maternity Leave to start. This date cannot be earlier than the 11th week before the EWC; and
- 2.1.4 you must also provide the Council with the original Maternity Certificate (MAT B1) issued by your doctor.
- 2.2 Ordinary Maternity Leave is a maximum of 26 weeks in duration.
- 2.3 You can choose to work right up to childbirth unless there are health and safety reasons which prohibit this.
- 2.4 Ordinary Maternity Leave commences on the date chosen by you except:
 - 2.4.1 where Ordinary Maternity Leave commences early due to pregnancy related sickness absence.
 - 2.4.2 Ordinary Maternity Leave will commence on the day of childbirth if this is earlier than your chosen start date.

Additional Maternity Leave

- 3.1 You will be entitled to Additional Maternity Leave. This is an additional period of 26 weeks' maternity leave following immediately after the end of the Ordinary Maternity Leave. You therefore receive a total maximum period of maternity leave of 1 year. The payment of any salary will be in accordance with current legislation; the Town Council will not seek to pay any additional or extra pay other than that which is statutorily available to the individual.

Information from you - Intended Start of Maternity Leave

- 4.1 At the same time as giving the Council the Maternity Certificate and informing us of your pregnancy, you should also give notice of the date on which you intend to start maternity leave. If you cannot provide this information on or before the 15th week before the EWC you should do so as soon as is reasonably practicable.
- 4.2 If you change your mind about your intended start date of leave, you must give the Council at least 28 days' notice either before the original or new start date of leave, whichever is the earliest.
- 4.3 If you give less than 28 days' notice of the date on which you intend to start maternity leave, you must also give an explanation for the delay. Depending on circumstances, the Council may refuse to allow you to start your maternity leave until the 29th day after receipt of notice.

Information from the Council - Expected Date of Return

- 5.1 Within 28 days of receiving your notice of intended start of Maternity Leave, the Council will send you a letter stating the expected date of your return from maternity leave.
- 5.2 The Council will assume unless otherwise advised by you that you wish to take your full maternity leave entitlement.

Maternity Payment Period

- 6.1 Most employees are entitled to maternity benefit for the first 39 weeks of Maternity Leave. Maternity benefit is either Statutory Maternity Pay paid by the Council or Maternity Allowance paid by the Department of Work and Pensions

Maternity Pay

- 7.1 Payments for employees who have less than 1 year's continuous local government service at the beginning of the 11th week before the EWC shall be the employee's entitlement to Statutory Maternity Pay (SMP).
- 7.2 Payments for employees who have completed not less than one year's continuous local government service at the 11th week before the EWC shall be as follows:
- 7.3 For the first six weeks of absence an employee shall be entitled to nine-tenths of a week's pay offset against payments made by way of SMP or Maternity Allowance (MA) for employees not eligible for SMP.
- 7.4 If having declared her intention to return to work then for the subsequent 12 weeks she shall be paid half a week's pay without deduction except by the extent to which the combined pay and SMP (or MA and any dependants' allowances if the employee is not eligible for SMP) exceeds full pay.
- 7.5 For employees not intending to return to work payments during the subsequent 12 weeks shall be the employee's entitlement to SMP.
- 7.6 Payments made by the Council during maternity leave under 3.17 above shall be made on the understanding that the employee will return to local authority employment for a period of at least three months, which may be varied by the local authority on good cause

being shown and, in the event of her not doing so, she shall refund the monies paid, or such part thereof, if any, as the authority may decide. Payments made to the employee by way of SMP are not refundable.

A Week's Pay

- 8.1 The term “a week’s pay” for employees whose remuneration for normal working hours does not vary with the amount of work done in the period, is the amount payable by the authority to the employee under the current contract of employment for working the normal hours in a week. Where there are no normal working hours, a week’s pay is the average remuneration in the period of 12 weeks preceding the date on which the last complete week ended, excluding any week in which no remuneration was earned.

Statutory Maternity Pay

- 9.1 You will qualify for Statutory Maternity Pay (SMP) if:
- 9.1.1 you have been employed by the Council for 26 weeks prior to the 15th week before EWC; and
 - 9.1.2 you pay sufficient National Insurance Contributions; and
 - 9.1.3 you notify the Council at least 28 days before the date you want payments of SMP to commence, or if not reasonably practicable, as soon as is reasonably practicable. If giving late notice, you should give the Council an explanation of the delay.
- 9.2 SMP will not be paid before the 11th week before the EWC.
- 9.3 There are two rates of SMP, an earnings-related rate and a prescribed rate. The earnings-related rate is paid during the first 6 weeks of Ordinary Maternity Leave and the prescribed rate is paid during the following 33 weeks of Maternity Leave giving a total of 39 weeks maximum entitlement of SMP.
- 9.4 The earnings-related rate of SMP is 90% of your average weekly earnings. Your average weekly earnings are calculated on the basis of average earnings during the 8 weeks immediately preceding the 14th week before the EWC.

Maternity Allowance

- 10.1 If you do not qualify for SMP, the Council will give you a form SMP1 to explain why you do not qualify. Employees who do not qualify for SMP will normally qualify for Maternity Allowance.
- 10.2 Maternity Allowance is paid at either 90% of average weekly earnings or the prescribed rate whichever is less.
- 10.3 Maternity Allowance is claimed by you from the Department of Work and Pensions (DWP). You would receive Maternity Allowance from the DWP not the Council. It is your responsibility to claim Maternity Allowance from the DWP at a Benefits Office.

Working during the Maternity Payment Period (MPP)

- 11.1 If you work for the Council during the 26 weeks of your MPP you will receive normal remuneration for the periods you work.
- 11.2 If you:
 - 10.2.1 are taken into legal custody, or
 - 10.2.2 work for another Council during the Maternity Pay Period you must notify the Council (and the DWP if you are claiming Maternity Allowance) as soon as possible, as your entitlement to SMP or Maternity Allowance may be affected.

Notice of Actual Date of Birth

- 12.1 You should inform your line manager as soon as reasonably practical of your baby's actual date of birth.

Returning to Work

- 13.1 As set out above, you will have received a letter from the Council stating the expected date of return to work. The expected date of return will be the first working day after the end of the full period of maternity leave to which you are entitled.

Returning to Work Earlier than the Expected Date of Return

- 14.1 If you wish to return before the expected date of return, you must give notice to the Council at least 8 weeks before your new intended return date, or if that is not reasonably practicable, as soon as reasonably practicable. If the notice is given late, it must be accompanied by an explanation for the delay.
- 14.2 The Council will write to you within 28 days of receipt of your notice to confirm the new intended start date.
- 14.3 If less than 8 weeks' notice is given by you, the Council may be entitled to refuse to allow you to return to work until the 8-week period has been given.
- 14.4 In any event you are not permitted to return to work within 2 weeks of the actual date of birth.

Returning to Work Later than the Expected Date of Return

- 15.1 If you wish to postpone your return to work until after the end of your full entitlement to maternity leave, you must contact your line manager and submit a medical certificate confirming that you are suffering from a medical condition which prevents you from working, or provide another authorised reason (such as holiday or parental leave), for your returning late.

The Job

- 16.1 If you return at the end of Ordinary Maternity Leave, you are entitled to return to the same job.

- 16.2 It may not be practicable for the Council to offer you the same job after taking Additional Maternity Leave. If this is the case, the Council will offer you suitable alternative employment (unless a redundancy situation arises).

Keeping in Touch Days

- 17.1 By agreement you may be entitled to work for up to 10 days during your maternity leave period.
- 17.2 If you wish to consider working during this period please contact your line manager who will notify you and agree terms and remuneration.

Health & Safety

- 18.1 Some circumstances exist where the Council may have to suspend you on full pay because of your condition. These circumstances might include:
- 18.1.1 where your pregnancy makes you unable to do your job adequately
 - 18.1.2 where it is unlawful for a pregnant woman to do a particular job
 - 18.1.3 where you are engaged on night work and produce a medical certificate that states that for health and safety reasons you should not continue working at night
 - 18.1.4 where a health and safety risk to yourself and/or the baby has been identified but cannot be eliminated.
- 18.2 Before such action is taken, every possible effort will be made by the Council to change your hours of work or working conditions if there is a health and safety risk, or to find suitable alternative work for you.
- 18.3 The Council is required to assess the risks to health and safety to which pregnant employees and others could be exposed. Please refer to the Council's Health and Safety Policy for details.

Parental Leave Policy and Procedures

Parental leave is a form of statutory unpaid leave available to some working parents in addition to statutory maternity, paternity and adoption leave. In order to qualify for parental leave, employees must have been continuously employed for a period of not less than one year.

A total of up to 18 weeks parental leave for each child may be taken for the purpose of caring for that child.

Parental leave must be taken before the child's eighteenth, or before the eighteenth anniversary of the date of the placement in the case of an adopted child (or eighteenth birthday if sooner).

Up to 4 weeks parental leave may be taken in any one year, but must be taken in one-week blocks. Where the child is entitled to Disability Living Allowance, parental leave need not be taken in one-week blocks.

Leave must only be used for the purpose of caring for a child. If the leave is used for a purpose other than caring for a child the application for parental leave will have been made dishonestly and the employee will be subject to disciplinary procedures.

Employees must give 21 days' notice of intention to take parental leave, setting out the dates on which the period of leave is to begin and end. We may postpone parental leave for up to 6 months where the request for leave would unduly disrupt the business.

The taking of parental leave in previous employments counts towards the employee's entitlement.

Paternity leave and paternity pay

To be eligible for paternity leave following the birth of the child the employee must satisfy 3 basic criteria namely:

1. Continuous employment with us for a period of not less than 26 weeks ending with the week immediately prior to the fourteenth week before the child's expected week of childbirth.
2. Be the father of the child, or married to or the civil partner of the child's mother.
3. Have or expect to have responsibility for the upbringing of the child.
4. Paternity leave may be taken as either 1 whole week or 2 consecutive weeks paternity leave. The leave must be taken within the period of 56 days beginning with the date of the child's birth or the date of placement of an adopted child. The 2 weeks statutory paternity leave entitlement cannot be taken as two separate periods of one week.
5. The employee must notify us no later than the fifteenth week before the expected week of childbirth of the week the child is due, whether the employee wishes to take 1 or 2 weeks leave, and the date when the leave is to start. In the case of adoption, the employee must notify us of the date when the adopter was notified of having been

matched with the child together with the date when the child is expected to be placed with the adopter and this information must be provided no more than 7 days after the date on which the adopter is notified of their match with the child.

6. Statutory paternity pay is the lesser of the prescribed rate set by the Government each tax year or 90% of the employee's normal weekly earnings and is restricted to employees whose normal weekly earnings are not less than the lower earnings limit for the period of 8 weeks ending with the fifteenth week before the expected week of childbirth.
7. No extra statutory paternity pay is payable for multiple births.

Paternity Leave Policy

Paternity leave entitlement

- 1.1 Ordinary Paternity leave of up to 10 days will be granted to the father or partner in respect of one birth or multiple births. In exceptional circumstances, a nominated carer who will act as the primary provider of support to the mother may be considered for Maternity Support Leave.
- 1.2 Paternity Leave will be treated separately from annual leave. In addition, this is over and above Parental Leave and Emergency/Compassionate Leave.

Eligibility criteria

- 2.1 To qualify for ordinary and additional paternity leave, the employee must have at least 26 weeks' continuous service by the end of the fifteenth week before the expected week of childbirth.
- 2.2 If the employee does not meet the above qualifying period, they will be entitled to five days paternity leave only, paid at their full salary rate.
- 2.3 To qualify for additional paternity leave, the employee must also remain in continuous employment until the week before the first week of APL.
- 2.4 The employee can use [form SC3](#) to ask for paternity leave and pay.

Ordinary paternity leave

- 3.1 To apply for ordinary Paternity leave, the employee is required to give 15 weeks' written notification of the date on which the baby is due, confirming the length of leave they intend to take. If they subsequently wish to change the timing of their leave, they are required to give 28 days' notice of the new dates.
- 3.2 Ordinary Paternity leave of 10 days can be taken in a block of one or two consecutive weeks and can commence on any day of the week. This leave cannot be taken as two separate weeks and if the employee works during any part of a week, this will count as a full weeks' paternity leave.
- 3.3 Ordinary Paternity leave must be taken within 56 days (eight weeks) following the actual date of birth of the child.
- 3.4 Payment of Ordinary Paternity/Maternity Support Leave – Where eligible, the employee is entitled to up to 10 days paid leave which is payable at the current statutory payment rates.

Shared parental leave

- 4.1 Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner.
- 4.2 Shared parental leave must be taken in blocks of at least one week. Individuals can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the individual meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the individual needs the council's agreement).
- 4.3 To be able to take shared parental leave, an employee and his/her partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.
- 4.4 Employees can refer to the council's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The policy also sets out the notice periods with which employees must comply and what evidence they must provide to the organisation.
- 4.5 The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave. Please request the Shared Parental Leave Policy.

Application for part time/flexible working

- 5.1 If the employee wishes to return to work on a part-time or flexible working basis, they are entitled to apply under the Flexible Working Regulations/ Policy. The line manager is obliged to positively consider the request within the context of business needs. If the manager feels that the request cannot be met by the council, they must provide evidence that the role is not suitable for part-time/flexible working. Any applications which are refused by the manager will be submitted to a flexible working panel to ensure that all applications are treated consistently across the council. The manager will be invited to attend the panel to present their argument.
- 5.2 For further information, please see the Flexible Working Policy.

Antenatal care

- 6.1 A prospective father, or the spouse, civil partner or partner of a pregnant woman, can take **unpaid** time off to attend up to two antenatal appointments (up to six and a half hours off for each appointment).

6.2 There is no “qualifying period” for this entitlement, meaning that employees do not need a minimum period of service before this right can be exercised.

6.3 The council is entitled to ask for a signed declaration (which could be in electronic form) confirming that he or she:

Is the expectant mother's spouse, civil partner or partner, or the child's father;

that the purpose of the time off is to accompany the expectant mother to an antenatal appointment;

That the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered nurse; and the date and time of the appointment.

6.4 Should an employee attend an antenatal appointment during normal working hours, their manager has the discretion to enable them to make up the hours at an alternative time if this suits the individual and the business.

Roles and responsibilities

Human Resources

7.1.1 Human Resources will be responsible for providing advice and guidance to managers and employees regarding Paternity leave matters.

7.1.2 Human Resources will also undertake the associated administration and communications.

The Line Manager

7.2.1 The line manager will be responsible for liaising with the employee regarding arrangements for antenatal appointments, paternity leave dates, agreeing any KIT days and communicating with HR with regards to the arrangement of paternity leave cover.

The Employee

7.3.1 To liaise with their line manager in respect of their intended paternity leave dates and antenatal care appointments.

7.3.2 To provide written notification in accordance with the timescales detailed within the policy, providing copies of all relevant paperwork, such as [form SC3](#) and birth certificates, where appropriate.

SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAY –

NOTIFICATION FORM

Please complete one SPLIT Day Notification Form for each month in which SPLIT Days are completed.

Name of Employee

Employee Number

Month/ Year

SPLIT Day No. (Up to 20 days)	Date SPLIT Day Completed	Duties Performed	Actual Hours Worked (to the nearest 15 minutes)

I confirm that the hours claimed above are the actual hours worked during each SPLIT Day.

Signed (Employee)

Authorised (Manager)

Please return this form to the Human Resources department for processing. If you have any queries in relation to this form, or the use of SPLIT Days, please do not hesitate to contact a member of the Human Resources team.

For Human Resources Use Only

Check Number of SPLIT Days Taken.....

Date Recorded on HR Pro

Date Copied to Payroll

Shared Parental Leave Policy

Purpose

- 1.1 This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is available to parents with babies due on or after 5 April 2015 and children placed for adoption on or after this date. Shared parental leave enables mothers to commit to ending their maternity leave and pay and to share or transfer all of the untaken balance of leave and pay to their partner.
- 1.2 Shared parental leave should not be confused with ordinary parental leave, please see the parental leave policy for further details of this policy.

Definitions

- 2.1 The following definitions are used in this policy:
- 2.2 "Mother" means the mother or expectant mother of the child.
- 2.3 "Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone of either sex who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.
- 2.4 "Expected week of childbirth" (EWC) means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

Scope

- 3.1 This policy applies to employees of the council, whether they are the mother or the partner. If it is the mother who is employed by the council, her partner must submit any notifications to take shared parental leave to his/her own employer, which may have its own shared parental leave policy in place.
- 3.2 Similarly, if it is the partner who is employed by the council, the mother must submit any notifications to take shared parental leave to her own employer.
- 3.3 The mother and the partner should each liaise with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

Amount of shared parental leave available

- 4.1 The maximum period that parents can take as shared parental leave is 50 weeks between them. The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that she cannot end her maternity leave to take shared parental leave until two weeks after the birth at the earliest.

- 4.2 The amount of shared parental leave will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block, in which case the council is required to accept the request as long as the employee meets the eligibility and notice requirements. Alternatively, the employee may request a number of discontinuous blocks of leave, in which case the employee needs the council's agreement. A maximum of three requests for leave per pregnancy can be made by each parent.
- 4.3 The mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she continues to be entitled to take up to two weeks' ordinary paternity leave (See [Paternity Leave Policy](#)) following the birth of his/her child, which he/she will lose if shared parental leave is taken first).
- 4.4 The mother and partner must take any shared parental leave within 52 weeks of the birth.

Eligibility for shared parental leave

- 5.1 For employees to be eligible to take shared parental leave, both parents must meet certain eligibility requirements.

Mother's eligibility for shared parental leave

5.2 The mother is eligible for shared parental leave if she:

- has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with the council until the week before any period of shared parental leave that she takes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave 'curtailment' requirements (or has returned to work before the end of statutory maternity leave), shared parental leave notice and evidence requirements.

5.3 In addition, for the mother to be eligible for shared parental leave, the partner must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately before the EWC;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child.

Partner's eligibility for shared parental leave

5.4 The partner is eligible for shared parental leave if he/she:

- has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with the council until the week before any period of shared parental leave that he/she takes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- complies with the relevant shared parental leave notice and evidence requirements.

5.5 In addition, for the partner to be eligible for shared parental leave, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately before the EWC;
- have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
- comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

Notice Requirements

6.1 The notices that parents must give to the council to take shared parental leave are made up of three elements:

- a "maternity leave curtailment notice" from the mother setting out when she proposes to end her maternity leave (unless the mother has already returned to work from maternity leave) – See Appendix 1;
- a "notice of entitlement and intention" from the employee giving an initial, (non-binding) indication of each period of shared parental leave that he/she is requesting – See Appendix 2; and
- a "period of leave notice" from the employee setting out the start and end dates of each period of shared parental leave that he/she is requesting – See Appendix 3.

6.2 The notice periods set out in these appendices are the minimum required by law. The earlier the employee informs the council of his/her intentions, the more likely it is that the council will be able to accommodate their wishes, particularly if he/she wants to take periods of discontinuous leave.

6.3 If employees have already decided the pattern of shared parental leave they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment notice, notice of entitlement and intention and period of leave notice at the same time. Similarly, the

partner could provide his/her notice of entitlement and intention and period of leave notice at the same time.

Limit on number of requests for leave

- 7.1 The employee can provide a combined total of up to three periods of leave notice or variations of period of leave notice per pregnancy, although the council may waive this limit in exceptional circumstances.

Shared parental leave periods

Continuous period of shared parental leave

- 8.1 If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

Discontinuous periods of shared parental leave

- 8.2 The employee may submit a period of 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 (e.g. two months' leave for the mother, followed by two months leave for the partner, followed by two months' leave for the mother).
- 8.3 If the employee submits a period of leave notice requesting discontinuous periods of leave, the council, in the two weeks beginning with the date the period of leave notice was given, can:
- consent to the pattern of leave requested;
 - propose an alternative pattern of leave; or
 - refuse the pattern of leave requested.
- 8.4 The request will be considered after taking full account of the business needs of the employee's team and service area. If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.
- 8.5 If no agreement has been reached within the 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 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.
- 8.6 Alternatively, if the 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 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.

Shared parental pay

Statutory shared parental pay

- 9.1 Up to 37 weeks statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' pay available will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends (in accordance with the Maternity Leave Policy, the mother has an entitlement of up to 39 weeks' maternity pay - she must take at least two weeks paid maternity leave after the birth and mothers often chose to take some paid maternity leave before the birth which would also need to be deducted from the 37 weeks of statutory shared parental pay available).
- 9.2 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). This is in line with the Statutory Maternity Pay (SMP) entitlement which is paid at 90% of the employee's average weekly earnings for the first six weeks, followed by 33 weeks SMP. This policy may be superseded by legislative or statutory changes which will take precedence over any other policy in this respect.
- 9.3 It is up to the parents to decide who is paid the statutory shared parental pay and how it is apportioned between them.

Eligibility for statutory shared parental pay

- 9.4 For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements. These are detailed in Appendix 4.

Payment of Shared Parental Pay

- 9.5 The employee is required to confirm their eligibility and intention to take shared parental pay with their "period of leave notice".
- 9.6 Employees will continue to be paid on their normal pay date each month. It is important to note that a particular week's shared parental pay may fall over two separate payment periods (e.g. two months' salary). This may result in the monthly amount received whilst on shared parental leave being inconsistent.

Other pay related information

Pension scheme

- 10.1 If the employee is a member of the Local Government Pension Scheme, contributions will be deducted from shared parental pay for the 37 week period of paid shared parental leave. This service will count in full for pension purposes.
- 10.2 For the remaining unpaid shared parental leave period the employee is invited to pay any unpaid contributions within 30 days of returning to work. To do this, the employee and the council can take out a Shared Cost Additional Pension Contribution (SCAPC). This will be based on the employee's actual salary and the employee contribution will be one third of the total amount due (the council will pay the other two thirds of the cost). This allows the unpaid period of leave to count in full for pension purposes.

Treatment of Car Allowances

- 10.3 Any entitlement to the cash alternative or essential car user allowance will also be paid in full throughout the paid and unpaid period of shared parental leave (subject to any protected allowances being removed during this period or annual mileage reviews).

Deductions from salary

- 10.4 Employees are required to make alternative arrangements for any deductions which are usually taken from their salary for car loans, salary sacrifices schemes, Unison subscriptions, etc (where applicable) during any period of shared parental pay. Employees should contact a member of the payroll team in HR to discuss the arrangements.

Contact during shared parental leave

- 11.1 The council reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, or any special arrangements to be made or training to be given to support their return to work or to update them on developments at work during their absence.
- 11.2 An employee can agree to work for the council (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.
- 11.3 The council has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave.

Payment of SPLIT Days

- 11.4 The employee will receive a salary payment according to the hours worked during each SPLIT day. A payment will be made for the difference between their shared parental pay rate at that time and their normal hourly salary rate. It is important to note that if the employee works in excess of 20 SPLIT days during their shared parental pay period, they will lose a whole week's statutory shared parental pay for any week in which work is undertaken.
- 11.5 For any SPLIT days which are worked following the expiry of the employee's shared parental pay period, the employee will receive their normal salary according to the hours they work. This must be agreed with the line manager in advance.

Confirmation of SPLIT Days

- 11.6 It is important to notify Human Resources when any SPLIT days are undertaken. The employee must complete a [Shared Parental Leave In Touch \(SPLIT\) Day - Notification Form](#), which must be authorised by their line manager. The form must then be forwarded to HR to enable payment to be processed in their following month's salary.

Rights during shared parental leave

- 12.1 The employee continues to be employed during their shared parental leave period, which counts towards their period of continuous service for entitlement to other statutory employment rights (for example, annual leave and the right to a redundancy payment).
- 12.2 During shared parental leave, all terms and conditions of the employee's contract, except remuneration, will continue. Salary will be replaced by shared parental pay (where eligibility criteria are met). This means that all other benefits will remain in place. For example, holiday entitlement will continue to accrue, any membership of the healthcare cash plan scheme will remain in place, and so on.

Annual leave and bank holidays

- 12.2 Annual leave is not affected by the employee's shared parental leave and will continue to accrue normally during this period. Where the period of shared parental leave falls over two separate leave years, employees are encouraged to take any outstanding annual leave entitlement which is due to them before the start of their shared parental leave. The normal carry forward balance of five days (pro rata for part-time staff) will apply, unless it is not possible for the employee to take their leave prior to the commencement of shared parental leave for business reasons. The employee's Line Manager will then be required to authorise any carry forward balance of more than five days (pro rata for part-time staff).
- 12.3 In authorising a carry forward balance which is in excess of the normal five days, the maximum number of days which the Line Manager may consider will be pro rata

dependent upon the amount of time available to the employee to take their annual leave prior to starting shared parental leave. For example, (based on an April leave year, entitlement of 26 days per annum), should the employee commence their shared parental leave on 1 October, this gives six months between 1 April to 30 September in which to use a minimum of half of their annual leave entitlement (13 days). Therefore, the employee would be able to request via their Line Manager to carry forward a maximum of 13 days to the following leave year. Should the employee's shared parental leave fall over two annual leave years, the same principle will apply to their carry forward balance in the following leave year if the employee is unable to use their outstanding leave entitlement due to business reasons.

- 12.4 Employees are also entitled to receive any bank holidays which fall within their shared parental leave period. Employees will therefore be credited with a substitute day of paid leave for any bank holidays which fall within this period. For those bank holidays that fall within the leave year in which the shared parental leave period commences, these will be credited to the carry forward balance to the following annual leave year upon the employee's return to work.

Returning to work

- 13.1 The employee has the right to resume working in the same job when returning to work if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.
- 13.2 If the employee is returning to work and the period of leave taken is more than 26 weeks when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. In these circumstances, if it is not reasonably practicable for the council to permit a return to the same job, the employee has the right to return to another job that is suitable and appropriate for him/he.

14. ROLES AND RESPONSIBILITIES

14.1 Human Resources / Town Clerk

- 14.1.1 The Town Clerk using the services of the Council's paid HR Advisors (or any other accountable body or advisor) will be responsible for providing advice and guidance to managers and employees regarding shared parental leave matter and undertaking the associated administration and formal communications.

14.2 The Line Manager

14.2.1 The line manager will be responsible for liaising with the employee regarding their shared parental leave dates, agreeing any SPLIT days and communicating with HR with regards to the arrangement for shared parental leave cover.

APPENDIX 1

Mother's notice curtailing maternity leave

Before the mother or partner can take shared parental leave, the mother must either return to work before the end of her maternity leave (by giving the required eight weeks' notice of her planned return) or provide her employer with a maternity leave curtailment notice. The maternity leave curtailment notice must be in writing and state the date on which maternity leave is to end. That date must be:

after the compulsory maternity leave period, which is the two weeks after the birth;

at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and

at least one week before what would be the end of the additional maternity leave period.

The mother must provide her maternity leave curtailment notice at the same time she provides either her notice of entitlement and intention or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention (see Employee's notice of entitlement and intention below).

Withdrawing a maternity leave curtailment notice

The mother can withdraw her notice curtailing her maternity leave in limited circumstances. The withdrawal of a maternity leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her maternity leave curtailment notice if:

it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;

the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or the partner has died.

APPENDIX 2

Employee's notice of entitlement and intention

The employee, whether the mother or the partner, must provide the council with a non-binding notice of entitlement and intention. This must be in writing and provided at least eight weeks before the start date of the first period of shared parental leave to be taken by the employee. It must set out the following information:

If the employee is the mother, the notice of entitlement and intention must set out:

the mother's name;

the partner's name;

the start and end dates of any statutory maternity leave taken or to be taken by the mother;

the total amount of shared parental leave available;

the child's EWC and the child's date of birth (if the child has not yet been born the date of birth can be provided as soon as reasonably practicable after birth and before the first period of shared parental leave to be taken by the mother);

how much shared parental leave the mother and partner each intend to take; and

a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

The mother's notice of entitlement and intention must include a declaration signed by her that:

she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;

the information she gives in the notice of entitlement and intention is accurate; and

she will immediately inform the council if she ceases to care for the child.

In addition, the mother's notice of entitlement and intention must include a declaration signed by her partner:

specifying the partner's name, address, and national insurance number (or declaring that the partner does not have a national insurance number);

declaring that the partner satisfies, or will satisfy, the conditions set out above

(see Mother's eligibility for shared parental leave);

declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;

declaring that the partner consents to the amount of leave that the mother intends to take; and

declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

If the employee is the partner, the partner's notice of entitlement and intention must set out:

the partner's name;

the mother's name;

the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;

the total amount of shared parental leave available;

the child's expected week of birth and the child's date of birth (if the child has not yet been born the date of birth can be provided as soon as reasonably practicable after birth and before the first period of shared parental leave to be taken by the partner);

how much shared parental leave the partner and mother each intend to take; and

a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

The partner's notice of entitlement and intention must include a declaration signed by the partner that:

he/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;

the information given by the partner in the notice of entitlement and intention is accurate; and

he/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.

In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother:

specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);

declaring that the mother satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;

declaring that the mother consents to the amount of leave that the partner intends to take;

declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period; and

declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

Within 14 days of receiving a notice of entitlement and intention from the employee, whether the mother or partner, the council can request from the employee:

a copy of the child's birth certificate (if the child has not been born a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and

the name and address of the other parent's employer (or a declaration that the other parent has no employer).

The employee has 14 days from the date of the request to send the council the required information.

Variation or cancellation of notice of entitlement and intention

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a notice of entitlement and intention, provided that he/she provides the council with a written notice. The written notice must contain:

an indication as to when the employee intends to take shared parental leave

(including the start and end dates for each period of leave);

details of any periods of shared parental leave that have been notified through a period of leave notice;

details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and

a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave

notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

APPENDIX 3

Employee's period of leave notice

To take a period of shared parental leave, the employee must provide the organisation with a written notice setting out the start and end dates of each period of shared parental leave requested in that notice.

A period of leave notice must be given not less than eight weeks before the start date of the first period of shared parental leave requested in the notice. The notice may be given at the same time as a notice of entitlement and intention and can be a request for a continuous period of leave or discontinuous periods of leave.

Variation or cancellation of period of leave notice

The employee can vary or cancel his/her proposed shared parental leave dates following the submission of a period of leave notice, provided that he/she provides the council with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence. The written notice can:

vary the start date or the end date of any period of shared parental leave or cancel a request for leave;

request that a continuous period of leave become discontinuous periods of leave; or

request that discontinuous periods of leave become a continuous period of leave.

APPENDIX 4

Eligibility for Shared Parental Pay

Mother's eligibility for statutory shared parental pay

The mother is eligible for statutory shared parental pay if she:

has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with her employer until the week before any period of shared parental pay that she gets;

has normal weekly earnings for a period of eight weeks ending with the 15th week before the EWC of at least the lower earnings limit for national insurance contribution purposes;

has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;

is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and

is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

In addition, for the mother to be eligible for statutory shared parental pay, the partner must:

have been employed or been a self-employed earner during at least 26 of the

66 weeks immediately preceding the EWC;

have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks.

Partner's eligibility for statutory shared parental pay

The partner is eligible for statutory shared parental pay if he/she:

has at least 26 weeks' continuous employment ending with the 15th week before the EWC and remains in continuous employment with his/her employer until the week before any period of shared parental pay that he/she gets;

has normal weekly earnings for eight weeks ending with the 15th week before the EWC of at least the lower earnings limit for national insurance contribution purposes;

has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and

is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

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

have been employed or been a self-employed earner during at least 26 of the

66 weeks immediately preceding the EWC;

have average weekly earnings of at least the maternity allowance threshold

(currently £30) for any 13 of those 66 weeks;

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 has been reduced.