

HR Policy for Woking Borough Council Employees

# Caring for Children and Young People Policy - DRAFT

January 2020



# Caring for Children and Young People Policy

## Policy Agreed

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## 1.0 Introduction

Woking Borough Council is fully committed to helping working parents balance the needs of work and family life, and appreciates the importance of providing choice for parents in how they arrange parental care.

This group of policies includes details on the following:

1. Maternity leave
2. Paternity leave
3. Adoption leave (including Surrogacy)
4. Shared Parental leave
5. Unpaid Parental leave

Details on Dependent Care leave can be found in Woking Borough Council's [Leave Policy](#).

## 2.0 Maternity Leave and Pay

### 2.1 Definitions and Abbreviations

- **SMP: Statutory Maternity Pay** - this is payable to eligible employees who take Maternity leave. Payment of SMP is subject to qualifying conditions; subject to deductions for tax, national insurance and pension contributions.
- **OMP: Occupational Maternity Pay** - this is an enhanced level of maternity pay provided by the Council to eligible employees.
- **MA: Maternity Allowance** - this is the allowance payable by Job Centre Plus to employees not entitled to SMP.
- **MPP: Maternity Pay Period** - this is the period during which SMP is payable to an eligible employee.
- **QW: Qualifying Week for SMP** - this is the end of the 15th week before the Expected Week of Childbirth (EWC) and is used in the calculation for the payment of SMP.
- **OML: Ordinary Maternity Leave** - this is the 26-week Maternity leave period to which all pregnant employees are entitled to regardless of length of service or hours worked.
- **AML: Additional Maternity Leave** - this is the 26-week Maternity leave period, which immediately follows Ordinary Maternity Leave. The first 13 weeks of AML is paid and the second 13 weeks is unpaid.
- **CML: Compulsory Maternity Leave** - this is the first two weeks following the birth of the baby, which must be taken as Maternity leave.
- **EWC: Expected Week of Childbirth** - this is the week in which the baby is due to be born as certified by the employee's doctor or midwife on the Maternity Certificate (MAT B1).
- **MAT B1: Maternity Certificate** - this is the maternity certificate given to a pregnant woman by a doctor or midwife, which states the Expected Week of Childbirth and is issued after the 20th week of pregnancy. It is required for the payment of SMP.
- **KIT: Keeping in Touch** - this is the entitlement to work up to 10 days during Maternity leave without losing maternity pay or bringing the maternity leave to an end.

### 2.2 Eligibility Criteria

Provided an employee meets certain notification requirements, they are entitled to take Maternity leave no matter how long they have worked for the Council, how many hours they work or how much they are paid.

### 2.3 Entitlement

An employee has the right to 26 weeks of Ordinary Maternity Leave (OML), and 26 weeks of Additional Maternity Leave (AML) – totaling 52 weeks' leave, subject to qualifying conditions.

An employee is not required to take all of their Maternity leave. However, they are required to take two weeks' Compulsory Maternity Leave (CML) after the baby is born.

## 2.4 Pregnancy at work

An employee has the right to paid time off for antenatal care where they have been advised to attend by a doctor, midwife or health visitor. Requests may be made to re-arrange appointments where this is reasonable.

The Council must ensure that any risk to a pregnant employee or their baby is minimised. This will involve a risk assessment and a discussion with the employee, and steps may be taken to avoid risk if it may cause potential harm. A written risk assessment will also be completed.

Concerns about any aspects of work where an employee believes they may put themselves or their baby at risk must be reported to their manager as early as possible. The Council's Senior Health and Safety Officer or Human Resources team are available to advise, if required.

Pregnant employees should not stay at work if they are medically certified as unfit to do so.

## 2.5 Maternity leave start date

An employee can start their leave any time from 11 weeks before the beginning of the week when the baby is due (EWC). The latest date an employee can start their leave is their due date, (this is the date on the MATB1 form issued by your doctor or midwife).

If an employee is off work because of their pregnancy in the four weeks before the expected birth date, the Council will insist that they start their Maternity leave at that point.

If the baby is born before the date the employee is due to start their Maternity leave, Maternity leave will automatically start from the day after the baby is born.

## 2.6 Statutory Maternity Pay

Whether an employee works full or part-time, they have the right to receive Statutory Maternity Pay (SMP) as long as they meet certain conditions.

To qualify for SMP the employee must:

- earn on average more than the [Lower Earnings Limit \(LEL\)](#)
- give the [correct notice\\*](#)
- provide [proof they are pregnant\\*](#)
- have worked for Woking Borough Council for at least 26 weeks up to the 'qualifying week' - the 15th week before the expected week of childbirth

\*unless agreed in exceptional circumstances

An employee cannot get SMP if they go into police custody during their maternity pay period. It will not restart when they are discharged.

Statutory Maternity Pay (SMP) is paid for up to 39 weeks. An employee has an entitlement to:

- 90% of their average weekly earnings (before tax) for the first 6 weeks of Maternity leave and;
- The lower SMP rate (for current rate visit the [DirectGov website](#)), or 90% of their average weekly earnings (whichever is lower) for the next 33 weeks

SMP is paid in the same way as an employee's salary. Tax and National Insurance will be deducted. An employee can choose when they want their SMP to start and this will normally coincide with your Ordinary Maternity leave.

In the unfortunate event of a miscarriage up to 24 weeks into pregnancy, there is no statutory right to these maternity entitlements. The Council will be sensitive to an individual's needs in the event of a miscarriage and will discuss options for taking time off on a case by case basis.

An employee can still receive Statutory Maternity leave and pay if the baby:

- is born early
- is stillborn after the start of the 24th week of pregnancy
- dies after being born

## 2.7 Occupational Maternity Pay (OMP)

Woking Borough Council provides enhanced maternity pay provisions, which are over and above the statutory requirements, for eligible employees.

If an employee has at least **one year's continuous service** with Woking Borough Council, 15 weeks before the baby is due, they are likely to have an entitlement to:

- a) have their SMP topped up to 100% of their normal weekly earnings (before tax) for the first two weeks' of Compulsory Maternity Leave (CML)
- and
- b) 12 weeks' half pay (50% of normal salary). An employee can choose to receive this payment either from week's 7 to 18 of their Maternity leave or as a lump sum payable upon return to work from Maternity leave.

OMP payments are repayable to the Council if the employee does not return to work for a three-month period. If an employee returns to work but for less than three months, a percentage of the OMP will be repayable.

## 2.8 Maternity Allowance (MA)

If an employee is unable to receive SMP from the Council, they may be entitled to Maternity Allowance (MA) which is paid for up to 39 weeks and can be arranged with the JobCentrePlus. If the employee is not eligible to receive SMP, the Council will issue the employee with a SMP1 which will details why it cannot be paid.

[Click here](#) to check your eligibility via the .Gov website.

## 2.9 I'm pregnant, what happens next?

An employee must notify Human Resources of the pregnancy (an email to the [HR inbox](#) is sufficient) at least 15 weeks before the beginning of the week the baby is due, i.e. Expected Week of Childbirth (EWC). If this is not possible, Human Resources should be informed at the earliest opportunity.

Once Human Resources have been notified, the employee will be sent an email with the following attachments:

- Maternity Risk Assessment form (to be completed with Manager).
- New and Expectant Mothers at Work booklet (PDF version).

Once the completed Risk Assessment form has been received by Human Resources, an HR Advisor will be in touch to arrange a maternity discussion.

An employee will receive a MATB1 form from their doctor or midwife after 20 weeks into the pregnancy – this will outline the EWC (Expected Week of Childbirth). This form should be passed to Human Resources as soon as possible. It is around this time that an employee should notify both their line manager and the Human Resources team of their intended Maternity leave start date. A Maternity Leave Notification Form should be completed (appendix 1). This form should be submitted to the Human Resources team by the 28<sup>th</sup> week of pregnancy to enable the necessary arrangements to be made.

Once this form has been received, the employee should expect to receive a letter confirming the details of their leave and pay within 28 days.

You and your partner may be entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). Please refer to section 5.0 of this policy (pages 19 - 24).

## 2.10 Keeping In Touch (KIT) Days

An employee can take up to 10 KIT days during a period of Maternity leave.

These are days, or part days, designed to provide an opportunity for an employee to maintain their skills and knowledge whilst on Maternity leave.

KIT days may only be worked if the employee and their manager both agree. Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after Maternity leave has finished. An employee can discuss with their manager, prior to starting Maternity leave, which type of KIT days might be appropriate.

Any hours worked will be paid at the employee's normal hourly rate. A [Variable Hours Claim Form](#) must be completed by the employee each month for all KIT days that are worked and passed to the Human Resources team. Payment will be made in arrears.

No other paid work must be completed for the Council during Maternity leave e.g. undertaking paid work for an Election.

## **2.11 During Maternity leave**

### **2.11.1 Terms and conditions during Maternity leave**

During the period of Maternity leave, the employee's Contract of Employment continues and they are entitled to receive all contractual benefits, except for salary and cash payments.

In particular, any benefits in kind will continue, for example:

- Childcare vouchers
- Public Sector Season Ticket
- Lease car\*
- Employee discounts
- Annual leave accrual

\*If an employee makes personal contributions towards their lease car, these will continue to be deducted throughout all periods of paid Maternity leave. If there are any periods of unpaid Maternity leave, missed contributions are repayable upon the employee's return to work. Repayment by instalment can be discussed with the Human Resources team.

### **2.11.2 Pension**

Pension contributions will continue to be made during any period when the employee is receiving maternity pay, but not during any period of unpaid Maternity leave. Employee contributions will be based on actual pay, while the Council's employer contribution will be based on the salary that the employee would have received had they not been taking Maternity leave. An employee can choose to make up missed contributions within their first 30 days back at work. Should they elect to buy the "lost" pension, this is shared between the employee and Woking Borough Council with the employee paying one third of the cost and the Council paying two thirds of the cost.

### **2.11.3 Contact**

During Maternity leave, it is often helpful for an employee to keep in touch with their manager. A line manager is entitled to make reasonable contact with an employee during Maternity leave. This might be to discuss such things as arrangements for the employees return to work or to update the employee on any significant changes in the workplace while they have been away.

## **2.12 Returning to work**

### **2.12.1 Rights**

After Ordinary Maternity leave, an employee has the right to return to the same job. After Additional Maternity leave an employee has the right to return to the same job or to another suitable job if it is not reasonably practicable to return to the same job. If an employee decides not to return to work at all, they must provide the Council with notice in the normal way, as outlined in their Contract of Employment.

## 2.12.2 Process for returning to work

The employee will have been formally advised in writing by the Council of the end date of their Maternity leave. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

The Council will assume that an employee intends to use all of their Maternity leave. If they do not want to use their full entitlement, they must give **at least eight weeks' notice** that they are returning to work early. The Council can insist that the employee does not return until the eight weeks has passed.

Towards the end of Maternity leave, it is recommended that an employee makes contact with the Human Resources team ([hr@woking.gov.uk](mailto:hr@woking.gov.uk)) who will be able to calculate their leave entitlement upon their return to work and discuss options for using this.

If an employee wishes to request a change to working hours (reduction in hours, change in working pattern etc.), they will need to complete a [flexible working request form](#). HR can send an employee a copy of the form to complete at home. The line manager will then consider the request in consultation with HR. This should be done as soon as reasonably possible to ensure that due consideration can be given to the request.

## 2.12.3 Breastfeeding

In supporting an employee with an effective transition back to work after leave, the Council will provide an appropriate area that is private, hygienic, safe and secure where milk can be expressed.

A Keeping In Touch (KIT) day is a good opportunity to discuss arrangements for breastfeeding at work, either with your line manager or a with a member of the HR team.

Breaks should be taken in line the Council's flexitime scheme.

## 3.0 Paternity Leave and Pay

If an employee is a father-to-be or they will be responsible, along with the mother for bringing up a child, they could have the right to receive Paternity leave and pay, providing they meet certain conditions.

### 3.1 Definitions and Abbreviations

- **SPL: Statutory Paternity Leave** - Time off when your partner is having a baby, adopting a child or having a baby through a surrogacy arrangement
- **LEL: Lower Earnings Limit** – The amount of earnings that allow an employee to qualify for paternity pay
- **SPP: Statutory Paternity Pay** – this is payable to eligible employees who take Paternity leave. Payment of SSP is subject to qualifying conditions; subject to deductions for tax, national insurance and pension contributions
- **OPP: Occupational Paternity Pay** – enhanced pay provisions, which are over and above the statutory requirements, for eligible employees

### 3.2 Eligibility Criteria

To qualify for Statutory Paternity leave the employee must have at least 26 weeks' service with Woking Borough Council by either:

- the end of the 15th week before the start of the week when the baby is due; or
- the end of the week they are notified they are matched\* with the child.

\* 'Matched' means that the adoption agency has provided the employee with details of a child which is suitable for them to adopt.

They must take the time off to support the mother or carer of the baby and intend to be fully involved in their upbringing.

The employee must either be:

- the biological father of the child;
- the mother's husband or partner (including a mother's partner in a same-sex relationship); or
- the child's adopter or the partner of the adopter.

To qualify for pay, an employee must also earn at least the [Lower Earnings Limit \(LEL\)](#) for National Insurance contributions.

If the employee earns less than the LEL, they have the right to unpaid Paternity leave if they meet the other conditions and are able to get Income Support whilst on Paternity leave.

### 3.3 Entitlement to Paternity leave

An employee can take either 1 or 2 week's Paternity leave. Time off must be taken consecutively and not in separate days/weeks off. A week is the same amount of days that they normally work in a week - for example, a week is 2 days if they only work on Mondays and Tuesdays.

An employee can choose to start the leave:

- on the day the baby is born;
- a number of days or weeks after the baby is born;
- a specific date after the first day of the week in which the baby is expected to be born; or

Or if the employee is adopting, the period of Paternity Leave can start:

- on the date of placement
- an agreed number of days after the date of placement
- on the date the child arrives in the UK or an agreed number of days after this (overseas adoptions only)
- the day the child's born or the day after if they are working that day (surrogate parents)

Paternity Leave can start on any day of the week, but it is required to finish within 56 days of the baby being born or from the date of the child's placement or the child's arrival in the UK (overseas adoptions).

If the partner of the employee has a multiple birth, only one period of Paternity leave is permitted.

#### 3.3.1 Leave for antenatal appointments

An employee can get time off to accompany their partner (or the surrogate mother) to 2 antenatal appointments. If they are adopting a child, they can get time off to attend 2 adoption appointments after they have been matched with a child.

An employee can take time off to accompany a pregnant woman to up to 2 antenatal appointments if they are:

- the baby's father
- the expectant mother's spouse or civil partner
- in a long-term relationship with the expectant mother
- the intended parent (if you're having a baby through a surrogacy arrangement)

They can take up to 6 and a half hours per appointment. There is no statutory right to payment to attend these appointments. It can be taken as unpaid or annual or flexi leave.

An employee can apply for leave immediately if they are a permanent employee. They will need to have been doing their job for 12 weeks before they qualify if they are an agency worker.

### 3.4 Statutory Paternity Pay

To qualify for Statutory Paternity Pay (SPP), an employee must:

- be the biological father or be the mother's husband, partner or civil partner or have or expect to have responsibility for the child's upbringing;
  - have continued to work for the Council without a break for at least 26 weeks by the 15th week before the baby is due or employed up to and including the week your wife, partner or civil partner was matched with a child;
  - continue to work for the Council without a break until the date the child is born or placed for adoption;
- or

- be earning above the [lower earnings limit](#) before Income Tax.

Visit <https://www.gov.uk/paternity-pay-leave/overview> to find the current amount for statutory paternity pay.

### 3.5 Occupational Paternity Pay (OPP)

In addition to receiving SPP, if an employee has at least **one year's continuous service** with Woking Borough Council, 15 weeks before the baby is due or they are matched with a child, they are likely to have an entitlement to Occupational Paternity Pay. The employee will be entitled to receive an additional payment which increases the statutory payment to the level of the employees' normal salary for the period of Paternity leave.

All payments are subject to the normal statutory deductions of tax, national insurance and pension contributions.

### 3.6 I'd like to take Paternity leave, what happens next?

An employee must inform the Council at least 15 weeks before the beginning of the week the baby is due or within seven days of being told by the adoption agency that they have been matched with a child.

If your partner is having a baby, you will need to complete an [SC3 form](#).

If you are adopting a child in the UK, you will need to complete an [SC4 form](#).

If you are adoption a child from overseas, you will need to complete an [SC5 form](#)

The form will ask the employee to detail:

- when the baby is due or when the child is expected to be placed with the employee for adoption;
- whether they want to take one or two weeks' leave; and
- when they expect the leave to start (it is understood that in most circumstances only an approximate start date can be given).

This form should be completed, printed and passed to the Human Resources team. Please expect to receive email confirmation of receipt of this form within 28 days, this will outline details of how the employee should notify the Council of exactly when the period of Paternity leave has started.

If the employee is entitled to Occupational Paternity Pay, there will be no change to the normal amount paid to the employee but the OPP & SPP will be itemised on the pay slip to ensure that the Council's records are accurate.

If the employee is only entitled to Statutory Paternity Pay, and the Council is notified of the actual Paternity leave start date after the monthly payroll has been completed, a correction to the employees pay will be made the following month.

An employee can still receive Paternity Leave or Pay if their baby is:

- stillborn from 24 weeks of pregnancy
- born alive at any point during the pregnancy

If the employee is not eligible for paternity leave or pay, the Council will complete form SPP1 which will detail the reason.



## 4.0 Adoption leave and Pay

### 4.1 Definitions and Abbreviations

- **LEL: Lower Earnings Limit** - The amount of earnings that allow an employee to qualify for adoption pay
- **OAL: Ordinary Adoption leave** - this is the 26-week leave period to which all employees are entitled to regardless of length of service or hours worked.
- **AAL: Additional Adoption leave** – this is the 26-week leave period which immediately follows Ordinary Adoption Leave. The first 13 weeks of AAL are paid and the second 13 weeks are unpaid.
- **SAP: Statutory Adoption Pay** - this is payable to eligible employees who take Adoption leave. Payment of SAP is subject to qualifying conditions; subject to deductions for tax, national insurance and pension contributions.
- **OAP: Occupational Adoption Pay** - enhanced pay provisions, which are over and above the statutory requirements, for eligible employees
- **KIT Days: Keeping in Touch Days** - this is the entitlement to work up to 10 days during Adoption leave without losing Adoption pay or bringing the Adoption leave to an end.

### 4.2 Eligibility Criteria

4.2.1 To qualify for Adoption leave, the employee must:

- be an employee
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#)

To qualify for Statutory Adoption pay, the employee must also:

- have worked continuously for Woking Borough Council for at least 26 weeks before the beginning of the week when they are matched with a child
- earn more than the [lower earnings limit](#) (LEL) for National Insurance Contributions
- give the [correct notice](#)
- give [proof of the adoption or surrogacy](#)

The rules are slightly different if the employee is adopting from overseas or having a child through a surrogacy arrangement.

#### 4.2.2 Overseas adoptions

The conditions are the same except for both leave and pay the employee must:

- sign [form SC6](#) if they are adopting a child with their partner
- have worked continuously for Woking Borough Council for at least 26 weeks by the time they are given their 'official notification' or when they start receiving Adoption Pay

The official notification is permission from a UK authority that you can adopt from abroad. Form SC6

#### **4.4 Statutory Adoption Pay (SAP)**

confirms that the employee is not taking paternity leave or pay.

##### **4.2.3 Surrogacy arrangements**

To qualify for Statutory Adoption Pay the employee must:

- have worked continuously for Woking Borough Council for at least 26 weeks by the 15th week before the baby's due
- intend to apply for a [parental order](#)
- expect the order to be granted (for example because they do not have any convictions involving children, and the birth mother or father agree to the arrangement)

All the other conditions for qualifying for pay and leave are the same as for adoptive parents.

If an employee is genetically related to the child (the egg or sperm donor), the employee can choose to get paternity leave and pay instead. An employee cannot get both.

##### **4.2.4 Fostering for adoption**

If an employee is fostering for adoption, they are eligible for adoption pay and leave. They can receive it when the child comes to live with the employee.

##### **4.2.5 Exceptions**

Employees do not qualify for Statutory Adoption Leave or Pay if they:

- arrange a private adoption
- become a special guardian or kinship carer
- adopt a stepchild
- adopt a family member

##### **If you're not eligible**

Woking Borough Council will issue you with a form (SAP1) which explains why Statutory Adoption Pay cannot be paid.

Should an employee plan to adopt a child in one of the situations detailed above, please speak to a member of the HR team.

#### **4.3 Entitlement**

Adopters who meet the employment conditions have the right to up to 26 weeks Ordinary Adoption Leave (OAL), followed by up to 26 weeks' Additional Adoption Leave (AAL), totaling 52 weeks.

An employee can start their leave:

- from the date the child starts living with them or
- on an earlier date up to 14 days before the date they expect the child to start living with them.

Adoption leave can start on any day of the week.

Statutory Adoption Pay is paid for up to 39 weeks. The weekly amount is:

- 90% of their average weekly earnings (before tax) for the first 6 weeks of Adoption Leave and;
- The lower SAP rate (for current rate visit the [DirectGov website](#)) or 90% of an employee's average weekly earnings (whichever is lower) for the next 33 weeks

SAP is paid in the same way as an employee's salary and subject to tax, national insurance deductions and pension contributions.

Paid Adoption leave is available to employed people who are adopting a child on their own, or for one member of a couple who are adopting together. The couple can decide who will take the paid leave. The other member of the couple, or the partner of the adopter, may be able to take paid Paternity leave.

#### **4.5 Occupational Adoption Pay (OAP)**

Woking Borough Council provides enhanced Adoption pay provisions, which are over and above the statutory requirements, for eligible employees.

If an employee has at least one year's continuous service with Woking Borough Council 15 weeks before they are due to be matched with a child, they are likely to have an entitlement to:

- a) have their SAP topped up to 100% of their normal weekly earnings (before tax) for the first two weeks' of Adoption leave  
and
- b) 12 weeks' half pay (50% of normal salary). An employee can choose to receive this payment either from week's 7 to 18 of their adoption leave or as a lump sum payable upon return to work from Adoption leave.

OAP is repayable to the Council if the employee does not return to work for this three month period. If an employee returns to work but for less than three months, a percentage of the OAP will be repayable.

#### **4.6 I want to take Adoption leave, what happens next?**

##### **4.6.1 Notice period**

As soon as is reasonably possible but within 7 days of being matched with a child, employees must tell the Council:

- how much leave they want
- their leave start date
- the 'date of placement' - the expected or actual date the child is placed with them

For employees who are planning to take Adoption leave in surrogacy arrangements, it is requested that at least 15 weeks before the due date, they should tell the Council when the baby is due and when they want to start their leave.

Employees and their partner may be entitled to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP). Please refer to section 5.0 of this policy (pages 18 - 23).

## 4.6.2 Keeping in Touch (KIT) days

An employee can take up to 10 KIT days during a period of Adoption leave.

These are days, or part days, designed to provide an opportunity for an employee to maintain their skills and knowledge whilst on Adoption leave.

These KIT days may only be worked if the employee and their manager both agree. Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after Adoption leave has finished. An employee will discuss with their manager, prior to starting Adoption leave, which type of KIT days might be appropriate.

Any hours worked will be paid at the employees normal hourly rate. A [Variable Hours Claim Form](#) must be completed by the employee each month for all KIT days that are worked and passed to the Human Resources team. Payment will be made in arrears.

No other paid work must be completed for the Council during Maternity leave e.g. undertaking paid work for an Election.

## 4.6.3 Terms and Conditions during Adoption leave

During the period of Adoption leave, the employee's Contract of Employment continues and they are entitled to receive all contractual benefits, except for salary and cash payments.

In particular, any benefits in kind will continue, for example:

- Childcare vouchers
- Public Sector Season Ticket
- Lease car\*
- Employee discounts
- Annual leave accrual

\*If an employee makes personal contributions towards their lease car, these will continue to be deducted throughout all periods of paid Adoption leave. If there are any periods of unpaid Adoption leave, missed contributions are repayable upon the employee's return to work. Repayment by instalment can be discussed with the Human Resources team.

## 4.6.4 Pension

Pension contributions will continue to be made during any period when the employee is receiving adoption pay, but not during any period of unpaid Adoption leave. Employee contributions will be based on actual pay, while the Council's employers contributions will be based on the salary that the employee would have received had they not been on Adoption leave. An employee can choose to make up missed contributions within their first 30 days back at work. Should they elect to buy the "lost" pension, this is shared between the employee and Woking Borough Council with the employee paying one third of the cost and the Council paying two thirds of the cost.

## 4.5.5 Contact

During Adoption leave, it is often helpful for an employee to keep in touch with their manager. A line manager is entitled to make reasonable contact with an employee during Adoption leave. This might be to discuss such things as arrangements for the employees return to work, or to update the employee on any significant changes in the workplace while they have been away.

## 4.8 Surrogacy

### 4.7 Process for Returning to Work

#### 4.8.1 Rights for a Surrogate Mother

##### 4.7.1 Rights

The woman who gives birth to a child is always treated as the mother in UK law however; parenthood can be transferred to the intended parents via a [Parental Order](#). An employee has the right to return to the same job. After Additional Adoption leave an employee has the right to return to the same job or to another suitable job if it is not reasonably practicable to employ the same job. Every parent has the same right to 52 weeks Maternity leave and to return to work. What the birth mother does after the child is born has no impact on her right to maternity entitlements.

If an employee decides not to return to work at all, they must provide the Council with notice in the normal way.

##### 4.7.2 Time Off to accompany the Surrogate Mother to antenatal appointments

Employees who are eligible and intend to apply for a [Parental Order](#) are entitled to unpaid time off to accompany the surrogate mother to up to two antenatal appointments. Each appointment is with a doctor formally advised by the Council to give their date of their Adoption leave as possible to be appointed to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence apply. Those becoming parents through the use of a surrogate be treated as unauthorised absence.

The Council will assume that an employee plans to take all of their Adoption leave. If they do not want to take their full entitlement, they must give at least eight weeks' notice that they are returning to work early. The Council can insist that the employee does not return until the eight weeks has passed.

Towards the end of Adoption leave, it is recommended that an employee makes contact with the Human Resources team ([hr@woking.gov.uk](mailto:hr@woking.gov.uk)) who will be able to calculate their leave entitlement upon their return to work and discuss options for using this.

If an employee wishes to request a change to working hours (reduction in hours, change in working pattern etc.), they will need to complete a [flexible working request form](#). HR can send an employee a copy of the form to complete at home. The line manager will then consider the request in consultation with HR. It is requested that this is done as early as possible to ensure that due consideration can be given to the request.

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Parents using a surrogate to have a child are required to apply for a parental order if they are genetically related to the child. If they are not genetically related, adoption is the required route to become the child's legal parent.

If an employee is adopting a child through a registered adoption agency then they can apply for an Adoption Order making them the legal parent of the child with parental responsibility and they will be entitled to Adoption Leave and pay if they meet the normal qualifying conditions.

If an employee intends to apply for a Parental Order, they will be able to take Adoption leave and pay and Paternity leave and pay, if each parent meets the normal qualifying conditions.

Please refer to the previous pages to see the details on both Adoption leave and Paternity leave.

## 5.0 Shared Parental Leave (SPL)

Shared Parental Leave (SPL) aims at giving parents flexibility over how they share childcare during the first year of the child's life/placement.

### 5.1 Definitions and abbreviations:

Reference to a 'parent' throughout this section of the policy is defined as a person, who is either the:

- a) **Mother** - the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for Adoption leave and/or pay. They can be male or female);
  - b) **Father** - the child's biological father or the partner of the mother/adopter;
  - c) **Partner** - whether of the same or different gender. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child;
  - d) They are the intended parent of a child expected by a surrogate.
- **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** - a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement whereby an employee will work every other week for a period of three months.
  - **SPLIT day** - Shared Parental Leave in Touch Day
  - **Match** - when an adopter is approved to adopt a named child or children.
  - **Curtail** - where an eligible mother brings their Maternity/Adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometimes referred to as reducing the Maternity/Adoption leave or pay period.

### 5.2 What is Shared Parental Leave (SPL)?

It is a legal entitlement for eligible parents to share up to a maximum of 50 weeks Shared Parental leave, combining both paid and unpaid leave, regardless of the number of hours they work.

It means that eligible fathers and partners will be able to request more leave from work in the first year following their child's birth/adoption. As the time off is shared, there will also be cases where eligible mothers/ main adopters will return to work early because their partner is taking leave in their place.

SPL can be taken in discontinuous blocks so this means that eligible parents will also be able to request to mix work with leave in the child's first year and return to work between periods of leave if they wish.

### 5.3 Eligibility Criteria

Each parent has to qualify separately to be able to apply for Shared Parental leave.

Shared Parental leave can be taken by the partner, while the mother/main adopter is still on Maternity/Adoption leave, but only if the mother reduces their entitlement to Maternity/Adoption leave.

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

- share responsibility for the child at birth
- the mother/main adopter must have been eligible for either Statutory Maternity or Adoption leave and/or pay or Maternity Allowance.
- Have worked for Woking Borough Council continuously for at least 26 weeks at the end of the 15th week before the child's expected due date/matching date.
- Still be employed by the Council whilst taking SPL
- Give the correct notice
- Meet the employment and earnings eligibility criteria (this is different for [birth parents](#) and [adoptive parents](#))

### 5.4 Entitlement

If an employee is eligible and they or their partner end Maternity or Adoption leave and pay early, they then can:

- take the rest of the 52 weeks of leave (maximum of 50 weeks as a mother must take a minimum of 2 weeks' Maternity leave following the birth) between both partners
- take the rest of the 39 weeks of pay (up to a maximum of 37 weeks as ShPP as a mother must take a minimum of 2 weeks' Maternity leave) between both partners

### 5.5 Starting Shared Parental Leave

A mother can take Shared Parental Leave (SPL) after she has taken the legally required two weeks of maternity leave immediately, following the birth of the child.

An adopter can take SPL after taking at least two weeks of Adoption leave.

A father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any Paternity leave entitlements (**the father/partner cannot take Paternity leave or pay once they have taken any SPL or ShPP**).

## 5.6 Types of Shared Parental Leave (SPL)

### 5.6.1 Continuous Leave

Employees can notify the Council that they are going to take a 'continuous block of leave', which describes taking an unbroken period of leave. For example, this could be a notification for a period of six weeks leave. Eligible employees have a statutory right to take SPL in this way, and the request cannot be refused.

### 5.6.2 Discontinuous Leave

Employees can request to take a discontinuous block (minimum duration is one complete week), which describes asking for leave over a period of time, with breaks between the leave where the employee returns to work. For example, four weeks' SPL followed by three weeks back at work, followed by a further four weeks' SPL.

Discontinuous leave, in a single notice, can only be taken with the employer's agreement and is more likely to be accepted where the needs of both the Council and employee have both been considered. Once a request for discontinuous leave is made, the employee and line manager/HR will have a period of 14 calendar days to discuss the request.

If a request for discontinuous leave is not agreed then the total amount of leave in the request must be taken as one continuous block, unless the employee withdraws their notice and submits a new request.

Shared Parental Leave (SPL) can:

- start on any day of the week
- can only be taken in complete weeks
- be taken by making a maximum of three separate notifications to book leave
- be taken by the partner, while the mother is still on Maternity/Adoption leave only if the mother reduces their entitlement to Maternity/Adoption leave

## 5.7 Statutory Shared Parental Leave Pay (ShPP)

An employee may also qualify for ShPP if one of the following applies:

- they qualify for Statutory Maternity Pay (SMP)
- they qualify for Statutory Paternity Pay and have a partner who qualifies for SMP, Statutory Adoption Pay (SAP) or Maternity Allowance (MA).

If the employee or their partner is eligible and decides to end Maternity or Adoption leave and pay or Maternity Allowance early, they can then take up to 37 weeks of Statutory Shared Parental Pay at the current rate - <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get> .

The number of weeks of ShPP available will be dependent upon when the Maternity/Adoption leave is curtailed and the number of remaining weeks available to share.

Where the employee wishes to curtail the Maternity leave, the number of weeks remaining of the Maternity leave will be eligible to transfer to the SPL.

## 5.8 Occupational Shared Parental leave pay

Woking Borough Council provides enhanced shared parental pay provisions, which are over and above the statutory requirements, for eligible employees.

If an employee has at least **one year's service** at Woking Borough Council 15 weeks before the baby is due, they are likely to have an entitlement to 12 weeks' half pay provided they return to work for at least three months. This entitlement of 12 weeks' half pay is repayable if they do not return to work for this three month period. This is payable if the employee has not received any Occupational Maternity or Adoption Pay in relation to the birth or adoption of the same child.

## 5.9 Starting SPL

For SPL to start, the employee must do one of the following:

- end their Maternity or Adoption leave by returning to work
- give WBC 'binding notice' (a decision that can't normally be changed) of the date when they will end their Maternity or Adoption leave

### 5.9.1 Notice Period

An employee must give at least 8 weeks' written notice of any leave they wish to take. However, if the child is born more than 8 weeks early, this notice period can be shorter.

### 5.9.2 Cancelling the decision to end Shared Parental leave

The mother or adopter may be able to change their decision to end Shared Parental Leave (SPL) early if both the planned end date has not already passed and they haven't already returned to work.

### 5.9.3 SPLIT days

An employee can work up to 20 days during SPL without bringing it to an end. These days are in addition to the 10 KIT 'Keeping in Touch' days already available to those on Maternity or Adoption leave.

These are days, or part days, designed to provide an opportunity for an employee to maintain their skills and knowledge whilst on SPL.

These SPLIT days may only be worked if the employee and their manager both agree. Although particularly useful for things such as training or team events, they may be used for any form of work and should make it easier to return to work after leave has finished. An employee will discuss with their line manager, prior to starting SPL, which type of SPLIT days might be appropriate.

Any hours worked will be paid at the employee's normal hourly rate. A [Variable Hours Claim Form](#) must be completed by the employee each month for any SPLIT days worked and passed to the Human Resources team. Payment will be made in arrears.

No other work must be completed for the Council during SPL e.g. undertaking paid work for an Election.

## 5.10 I want to take Shared Parental leave, what happens next?

An employee considering SPL is encouraged to contact the HR team to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Council to support the individual.

An employee wishing to take SPL should then complete a 'Notification of curtailment of Maternity/Adoption leave and pay form – appendix 2' and 'Notification of intention to take Shared Parental leave form – appendix 3' and submit to HR. These should be done at least 8 weeks prior to the start of the period of leave.

A signed declaration is required from the employee's partner which confirms the details of their intention to take Shared Parental leave and pay - appendix 4.

Upon receiving the necessary forms, HR will organise a meeting with the employee and their line manager to discuss arrangements. At the meeting the employee may, if they wish, be accompanied by a colleague, trade union representative or even a personal friend or family member.

Once a decision has been made in regards to a notice to take a discontinuous block of leave (requests for continuous leave cannot be refused), HR will respond to the request in writing no later than the 14<sup>th</sup> day after the request was made.

An employee can submit up to **three** notifications specifying leave periods they are intending to take.

## 5.11 Variations to arranged SPL

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

## 5.12 Terms and conditions during Shared Parental leave

During the period of Shared Parental leave, the employee's Contract of Employment continues and they are entitled to receive all contractual benefits, except for salary and cash payments.

In particular, any benefits in kind will continue, for example:

- Childcare vouchers
- Public Sector Season Ticket
- Lease car\*
- Employee discounts
- Annual leave accrual

\*If an employee makes personal contributions towards their lease car, these will continue to be deducted throughout all periods of paid Shared Parental leave. If there are any periods of unpaid Shared Parental leave, missed contributions are repayable upon the employee's return to work. Repayment by instalment can be discussed with the Human Resources team.

## 5.13 Pension

Pension contributions will continue to be made during any period when the employee is receiving Shared Parental pay, but not during any period of unpaid Shared Parental leave. Employee contributions will be based on actual pay, while the Council's employers contributions will be based on the salary that the employee would have received had they not been taking Shared Parental leave. An employee can choose to make up missed contributions within their first 30 days back at work. Should they elect to buy the "lost" pension, this is shared between the employee and Woking Borough Council with the employee paying one third of the cost and the Council paying two thirds of the cost.

## 5.14 Contact

During Shared Parental leave, it is often helpful for an employee to keep in touch with their manager. A line manager is entitled to make reasonable contact with an employee during Shared Parental leave. This might be to discuss such things as arrangements for the employees return to work, or to update the employee on any significant changes in the workplace while they have been away.

## 5.15 Returning to work after SPL

### 5.15.1 Rights

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory Maternity/Paternity/Adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing Maternity/Paternity/Adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their Maternity/Paternity/Adoption leave and SPL amounts of 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which both suitable and appropriate and on terms and conditions no less favourable.

### 5.15.2 Process for Returning to Work

The employee will have been formally advised in writing by the Council of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the Council otherwise. If they are unable to attend work due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide written notice of their intention to end the leave, and must give the Council **at least eight weeks' notice** of their date of early return.

If an employee wishes to request a change to working hours (reduction in hours, change in working pattern etc.), they will need to complete a [flexible working request form](#). HR can send an employee a copy of the form to complete at home. The line manager will then consider the request in consultation with HR. This should be done as soon as reasonably possible to ensure that due consideration can be given to the request.

## 6.0 Unpaid Parental Leave

Eligible employees can take unpaid parental leave to look after their child's welfare, e.g. to:

- spend more time with their children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family, such as visiting grandparents

Their [employment rights](#) (like the right to pay, holidays and returning to a job) are protected during unpaid parental leave.

### 6.1 Entitlement

Parental leave is unpaid. You're entitled to 18 weeks' leave for each child and adopted child, up to their 18th birthday.

The limit on how much parental leave each parent can take in a year is 4 weeks for each child (unless the Council agrees otherwise).

The employee must take parental leave as whole weeks (e.g. 1 week or 2 weeks) rather than individual days, unless the Council agrees otherwise or if your child has a disability. The employee does not have to take all the leave at once.

A 'week' equals the length of time an employee normally works over 7 days.

#### Example

If an employee works 3 days a week, one 'week' of parental leave equals 3 days. If an employee works irregular weeks the number of days in a 'week' is the total number of days they work a year divided by 52.

### 6.2 Carrying leave over from a previous job with a different employer

Parental leave applies to each child not to an individual's job.

#### Example

An employee is entitled to 18 weeks. They've used 10 with a previous employer. They can use up to 8 weeks with their new employer if they're [eligible](#).

### 6.3 Eligibility

Employees qualify if all of these apply:

- they have been employed by the Council for more than one year
- they are named on the child's birth or adoption certificate or they have or expect to have parental responsibility
- they are not self-employed or a 'worker', e.g. an agency worker or contractor
- they are not a foster parent (unless they've secured parental responsibility through the courts)
- the child is under 18

The Council can ask for proof (like a birth certificate) as long as it's reasonable to do so, e.g. the council will not ask for proof each time an employee requests leave.

## 6.4 Notice period

Employees must give 21 days' notice before their intended start date. If they or their partner are having a baby or adopting, it's 21 days before the week the baby or child is expected.

The manager must then contact the Human Resources team to ensure that the employee is paid correctly. Once the dates have been agreed, the employee should request the leave on HR21 (choosing 'Parental Leave' as the leave type). Please note that adjustment will be made to an employee's annual leave record when this type of leave is taken as leave is not accrued during periods of unpaid leave.

## 6.5 Delaying leave

Leave cannot be postponed (delayed) if:

- the Council does not have a 'significant reason', e.g. it would cause serious disruption to the business
- it's being taken by the father or partner immediately after the birth or adoption of a child
- it means an employee would no longer qualify for parental leave, e.g. postponing it until after the child's 18th birthday

If it is postponed, the employer:

- must write explaining why within 7 days of the original request
- must suggest a new start date - this must be within 6 months of the requested start date
- can't change the amount of leave being requested

## 6.6 I want to take Unpaid Parental Leave, what happens next?

To request unpaid parental leave, employees must notify their line manager in writing of their intention to take the leave and confirm the start and end dates in their notice. It is recommended that the line manager discusses the request with HR before it is approved. Once agreed, the line manager should email [hr@woking.gov.uk](mailto:hr@woking.gov.uk) with the final agreed dates so the necessary amendments can be made to the employees' payroll and annual leave record.

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## Appendix 1

# Maternity Leave Notification Form

## Part 1: Employee Details

Name:	
Job Title:	
Team:	
Employee Number:	

## Part 2: Pregnancy Details

The expected date of childbirth (given on MATB1 form):	
MATB1 form given to HR:	

## Part 3: Maternity Leave Details

I wish to start my Maternity leave on:	
My last day at work will be:	

Remember:

- You may commence Maternity leave any time after the beginning of the 11<sup>th</sup> week before the EWC, the latest date being the date of birth itself.
- To advise us if this date as soon as is reasonably practical, but at least 28 days before the start of your Maternity leave
- If your Maternity leave starts before the planned date, for example due to childbirth or illness, you need to notify HR as soon as reasonably practical;
- Should you give birth early, you need to notify HR of the date of childbirth

## Part 4: Maternity Pay Details

I am eligible to Occupational Maternity Pay and I would like to receive this:	During weeks 7 – 18 of my Maternity leave	<input type="checkbox"/>
	Or	<input type="checkbox"/>
	In a lump sum on my return to work	<input type="checkbox"/>

## Part 5: Agreement

I wish to apply for Maternity leave with pay as appropriate in accordance with the Council's Parents at Work Policy

Employee Signature:	
Date:	
Manager Signature:	
Date:	

Please send this form to the HR Team via the internal mail or via email.

# Notification of curtailment of Maternity / Adoption leave and pay

### Instructions for completing this form

If you are entitled and intend to take Shared Parental Leave (SPL) you will need to complete the Notification of Entitlement and Intention to take Shared Parental leave form. In addition, before you can take SPL, you must notify the Council that you wish to bring your Maternity leave to an end by completing this form.

This Notification must be completed and returned to HR at least 8 weeks before the date on which you wish to bring your Maternity leave/pay to an end.

**Note:** You cannot bring your Maternity leave to an end before the end of the Compulsory Maternity Leave period (first 2 weeks)

If you are, or will be, entitled to claim Maternity pay, you must reduce the length of the Statutory Maternity pay period to create any entitlement for you or the father or partner to claim Shared Parental Pay (ShPP). You may not claim ShPP until the Statutory Maternity pay period has been brought to an end.

### Your details

Surname:	
First Name:	
Job Title:	

### Notification of curtailment of Statutory Maternity leave

Please take this as notification that I wish to bring my Maternity leave and pay to an end on ____/____/_____ I understand that once my Maternity leave and pay has been brought to an end I am unable to reinstate it.	
Signed:	
Print name:	
Date:	

### Declaration

I declare that: <ul style="list-style-type: none"><li>The father of the child / my partner / spouse has given a Notification of Entitlement and Intention to take SPL to their employer</li><li>I have given my consent for them to take the amount of SPL as set out in that notification</li></ul>	
Signed:	
Print Name:	
Date:	

## Appendix 3

### Notification of intention to take Shared Parental leave

#### Instructions for completing this form

This form should be used where you wish to book a period of Shared Parental Leave (SPL) or where you wish to vary an existing booking.

Any notice booking SPL must be given *at least eight weeks* before the first period of leave is due to start.

**Note:** You are unable to start a period of SPL before the child is born or before the end of the Compulsory Maternity Leave period. Additionally, you must have completed and returned the Notification of curtailment of Maternity / Adoption leave and pay form.

Furthermore, any period of SPL must end on or before the date of the child's first birthday.

You are entitled to submit three Notification of Intention to take Shared Parental leave forms. Any request to vary a previous booking will be counted as one such notification.

#### Your details

Surname:	
First Name:	
Job Title:	

[Choose one of the following two options]

#### Dates of SPL

Please take this as notification that I wish to take the following periods of SPL

From		To	

OR

**Variation of Dates of Shared Parental leave**

I refer to my Notification of Shared Parental leave Booking form dated \_\_\_\_/\_\_\_\_/\_\_\_\_ and confirm that I wish to vary the dates of shared parental leave as follows:

From		To	
This is my first/second/third <i>[delete as applicable]</i> Notification of Shared Parental leave booking form			
Signed:			
Print Name:			
Date:			

## Appendix 4

### Father or Partners notification of entitlement and intention to take Shared Parental Leave (SPL) and / or Shared Parental Pay (ShPP) form

#### Instructions for completing this form

If you wish to take Shared Parental Leave (SPL), you should complete *all* of Sections One and Two of this form.

In addition, if you wish to claim Shared Parental Pay (ShPP), you should also complete Section Three of this form.

The completed form should be returned to HR at least 8 weeks before the date on which you wish to start your SPL.

To confirm a period of SPL, you will be required to complete a Notification of intention to take Shared Parental Leave Form.

If you are unsure of your eligibility to take SPL or claim ShPP, please contact Human Resources.

#### Section One: Your details (complete *all* boxes and declaration)

Your Full Name:	
Spouse / Partner's Name:	
Child's expected week of birth:	
Child's actual date of birth [If you are completing this before your child is born, you must provide us with this information as soon as possible and in any event before the start of your SPL]	
Declaration by the father / mother's spouse / partner I declare that: <ul style="list-style-type: none"><li>• I had, or will have, at the date of the child's birth, the main responsibility (disregarding the responsibility of the mother) for the care of the child</li><li>• All the information I have given in this notice of entitlement is accurate to the best of my knowledge.</li></ul>	
Signed:	
Print Name:	
Date:	

**Details of mother**

Surname:	
First name(s):	
Address:	
Postcode:	
Choose one of the following two options:	
National Insurance Number	<input type="text"/>
OR	
I declare that I do not have a National Insurance Number <input type="checkbox"/>	
Declaration by the mother	
I declare that:	
<ul style="list-style-type: none"> <li>I have, or will have, at the date of the child's birth, the main responsibility (disregarding the responsibility of the father or my spouse or partner) for the care of the child</li> <li>I have been engaged in employment as an employee, worker or a self-employed earner for any part of the week in the case of at least 26 weeks of the 66 weeks immediately preceding the expected week of birth (as given above)</li> <li>During 13 of those 66 weeks, I had, or will have, weekly earnings that are not less than the "maternity allowance threshold"</li> <li>I consent to the father's/my spouse or partner's employer processing the information in this declaration, the information in the mother's declaration in Section Two if I have signed it, and the information in the mother's declaration in Section Three if I have signed that.</li> </ul>	
Signed:	
Print Name:	
Date:	

**Section Two: Dates for SPL**

The date on which the mother started or will start statutory Maternity leave	
The date on which the mother ended or will end statutory Maternity leave	
Date on which mother started receiving statutory Maternity pay	
Date on which mother stopped receiving statutory Maternity pay	
Date on which mother started receiving statutory Maternity allowance	
Date on which mother stopped receiving statutory Maternity allowance	
The total number of weeks of SPL available	
<p><i>[Where the mother is entitled to maternity leave, this is 52 weeks less any Maternity leave you have taken or plan to take before commencing SPL. The law requires that a mother must take a minimum of 2 weeks Maternity leave (or a minimum of 4 weeks where working in a factory)]</i></p>	

The number of weeks of SPL you intend to take			
The number of weeks of SPL the mother intends to take			
I intend to take SPL on the following dates.			
From		To	

Declaration by the father / mother's spouse / partner in relation to SPL:

I declare that:

- I am an employee of the organisation
- I was, or will have been, in continuous employment with the organisation for the 26-week period ending with the week immediately preceding the 14th week before the expected week of birth of the child (as confirmed above)
- I will remain in continuous employment with my employer from the end of that 26-week period until (and including) the week before any period of SPL that I take
- I am:
  - (or will be) the father of the child
  - married to the mother
  - the civil partner of the mother
  - the "partner" of the mother

(I live with the mother, and live/will live with the child, in an enduring family relationship, but am not the mother's child, parent (including adoptive or former adoptive parents), grandchild, grandparent, brother, sister, half-brother, half-sister, aunt, uncle, niece or nephew)

- I will immediately inform the organisation if, at any point during the year commencing with the birth of the child, I cease to care for the child
- All the information I have given in this notice of entitlement is accurate to the best of my knowledge.

Signed:	
Print Name:	
Date:	

Declaration by the mother in relation to SPL:

I declare that:

- I consent to the amount of SPL which the father/my spouse or partner intends to take, as set out above.
- I am or will be entitled to Statutory Maternity leave in respect of the child.
- I will remain in continuous employment with my employer from the end of that 26-week period until (and including) the week before any period of SPL that I take
- I have ended, or will, before the commencement of any period of SPL is taken, have ended my entitlement to statutory Maternity leave in respect of the child by either returning to work or completing a Notification to Curtail Maternity leave to my employer. I understand that in doing so, my Maternity leave cannot be reinstated.

OR

I am not entitled to statutory Maternity leave in respect of the child, but I am entitled to Statutory Maternity allowance. I have ended, or will, before the commencement of any period of SPL is taken, have ended my entitlement to Statutory Maternity allowance by submitting a curtailment notice to the Secretary of State.

- I will immediately inform the organisation if, at any point during the year commencing with the birth of the child, I cease to care for the child
- I will immediately inform the father/my partner if statutory Maternity leave in respect of the child is no longer curtailed, or the maternity pay period or maternity allowance period in respect of the child is no longer reduced.

Signed:	
Print Name:	
Date:	

### Section Three: ShPP

This section should be completed if you wish to claim ShPP. You must complete the boxes below together with the following declarations.

The total number of weeks of ShPP that you would be entitled to claim if the mother claimed no ShPP at all	
Of that total number of weeks, the number of weeks in respect of which you intend to claim ShPP in respect of the child	
Of that total number of weeks, the number of weeks in respect of which the mother intends to claim ShPP in respect of the child	
The weeks during which you intend to claim ShPP in respect of the child	
From	To

Declaration by the father / mother's spouse / partner in relation to SPL:

I declare that:

- I was, or will have been, in "employed earners employment" with my employer (by which I mean working for in a capacity in relation to which Class 1 National Insurance contributions must be paid) for the continuous 26-week period ending with the week immediately preceding the 14th week before the expected week of birth of the child (the date of the first day of the expected week of birth is entered above)
- for the last eight weeks of that 26-week period, my normal weekly earnings were at least equal to the "lower earnings limit"
- I will remain in that "employed earners employment" with my employer continuously from the end of that 26-week period until (and including) the week before the first week in which I claim ShPP
- I intend to care for the child during each week in respect of which ShPP is paid to me
- I will be absent from work during each week in respect of which ShPP is paid to me, except:
  - where I have arranged to work a SPL keeping in touch day
  - where I do work that is permitted under one of the exceptions which the law provides
- I will be on SPL during each week in respect of which ShPP is paid to me, or I am not an employee of the organisation and so am not entitled to SPL.
- I will immediately inform the organisation if, during or between any periods in which I claim ShPP, the maternity pay period or maternity allowance period in respect of the child is no longer reduced.

Signed:

Print Name:

Date:

Declaration by the mother in relation to ShPP

- I consent to the overall amount of ShPP which the father or partner intends to claim, and the period or periods during which he or she intends to claim it, as set out above.
- I am or will be entitled to Statutory Maternity leave in respect of the child
- I have ended, or will, before the commencement of any period of SPL is taken, have reduced the maternity pay in respect of the child by completing a Curtailment Notice to my employer. I understand that in doing so, my entitlement to maternity pay will remain reduced.
- OR
- I am entitled to statutory maternity allowance. I have ended, or will, before the commencement of any period of SPL is taken, have reduced my entitlement to statutory maternity allowance by submitting a curtailment notice to the Secretary of State. I understand that in doing so, my entitlement to maternity pay will remain reduced.
- the maternity pay period in respect of the child began, or will begin on \_\_\_/\_\_\_/\_\_\_\_\_
- the maternity pay period is, or will be, reduced by \_\_\_\_\_ weeks;
- I will immediately inform the organisation if, during or between any periods in which I claim ShPP, the maternity pay period in respect of the child ceases to be reduced

Signed:

Print Name:

Date:

Once you have completed all necessary sections of this form, you should retain a copy of and return the original form to the HR Department.

### Some examples of Shared Parental Leave

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#### Both Parents Entitled

Natalie and Bryan are both teachers who have worked for their employers for over six years. They decide that initially, Natalie will take Maternity leave of 12 weeks, starting a month before the due date, and Bryan will take his ordinary Paternity leave of 2 weeks when the baby is born. After her 12 weeks maternity leave, Natalie will return to work for 6 weeks so that she can get to know her new class. Bryan will take 6 weeks of [Shared Parental Leave \(SPL\)](#). That still leaves them with 34 weeks. They decide they would like to have some time off together, a further 8 weeks – this takes 16 weeks of their total parental leave (8 weeks' each, taken at the same time). That leaves 18 weeks. Bryan returns to work and Natalie takes a further 12 weeks of SPL before returning to work. In total, they have taken 34 weeks of SPL, 2 weeks of Ordinary Paternity leave and 12 weeks of Maternity leave. The SPL and Maternity leave together are 46 weeks – so there are 6 weeks they decided not to take.

#### Only Dad is Entitled

Josh works for a logistics company and has been employed for 3 years. His partner Marie is a self-employed hairdresser, who meets the employment and earnings conditions. Marie decides to take 17 weeks off and gets [Maternity Allowance \(MA\)](#). She gives notice to Jobcentre Plus that she will be ending her MA early. Josh takes his Ordinary Paternity leave and then takes 15 weeks off at the same time as Marie. As Marie's job doesn't involve travelling, it is easier for her to return to work, so at this point he takes a further 7 weeks of SPL. They decide not to take any more SPL as it would be unpaid.