

## Shared Parental Leave Procedure

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### 1. Introduction

Introduced in April 2015 Shared Parental Leave replaced Additional Paternity leave and allows parents the choice to share the responsibility of raising a child. To get Shared Parental Leave (SPL), there must be 2 parents sharing responsibility for a child. For either parent to get Shared Parental Leave the birth parent or primary adopter has to end their maternity or adoption leave and return to work and give their employers notice to end (curtail) their maternity leave or adoption leave early. The birth parent must still take at least 2 weeks' maternity leave, which is known as Compulsory Maternity Leave.

Employees are entitled to Shared Parental Leave and Shared Parental Pay provided they meet the minimum requirements.

### 2. Qualification for Shared Parental Leave

To qualify for Shared Parental leave, you will need to satisfy the following conditions; you must:

- a) Be sharing responsibility with the other parent from the day of the child's birth or adoption placement.
- b) Be legally classed as an employee.
- c) Pass the continuity of employment test and your partner must pass the continuity of employment and earnings test.

Notice of Shared Parental Leave entitlement must then be given to Canvey Island Town Council.

### 3. Continuity of employment test

The parent who is to take Shared Parental Leave must:

- a) Have worked for the Town Council for at least 26 weeks by the end of the 15<sup>th</sup> week before the baby is due or their adoption match date.
- b) Still be working for the Town Council at the start of each block of leave they take.

### 4. Employment and earnings test

Up until the expected birth date or adoption match date, the other parent must have:

- a) Worked for at least 26 weeks of 66 weeks.
- b) Earned an average of at least £30.00 a week in any 13 weeks.

### 5. How much Shared Parental Leave and Shared Parental Pay a parent can get?

Eligible parents can get up to 50 weeks of Shared Parental Leave and 37 weeks of Shared Parental Pay.

How much leave or pay you are entitled to will depend on how much maternity or adoption leave the birth parent/primary adopter has taken.

The entitlement is the same amount if the parents have more than one baby, for example twins, or child in the same adoption placement.

## **6. Ways parents can use Shared Parental Leave**

Ways eligible parents could use Shared Parental Leave include:

- a) The birth parent or primary adopter returns to work early from maternity or adoption leave and takes Shared Parental Leave at a later date.
- b) The birth parent or primary adopter returns to work and their partner takes Shared Parental Leave.
- c) Both parents are off at the same time.
- d) The parents share Shared Parental Leave and are off at different times.

## **7. How to book Shared Parental Leave**

There are two ways to take Shared Parental Leave:

- a) Continuous leave
- b) Discontinuous leave

Continuous leave allows for up to 3 blocks of Shared Parental Leave. You must give at least 8 weeks' notice each time you want to book leave. Leave must be booked in blocks of weeks.

If you intend to book leave Shared Parental Leave as discontinuous leave please discuss this with the Town Clerk. A request for discontinuous leave can be refused.

## **8. Rights during Shared Parental Leave**

Whilst on Shared Parental Leave, you will continue to benefit from all your normal terms and conditions of employment apart from your salary. You may receive Shared Parental Pay (SHPP) if you satisfy the qualifying conditions.

During Shared Parental Leave, you will be bound by any obligations arising from your terms and conditions of employment. You will also be entitled to SPLIT Days, this is a period of up to 20 days and are similar to keep in touch (KIT) days with maternity leave where you are entitled to work without your leave coming to an end to keep in contact with your colleagues and attend training courses. For more information, please contact the Town Clerk.

If you stop sharing responsibility for the child you must tell the Town Council immediately. The entitlement to Shared Parental Leave or Shared Parental Pay will end and you could be required to return to work. If it is not practical for the Town Council to have you back at work straight away you may still be required to take the period of leave but would not be entitled to any Shared Parental Pay.

## **9. Pension Contributions during Shared Parental Leave**

Employee's pension contributions will be based upon the pay actually being received during the paid maternity leave period. Pension payments do not need to be continued during the period of unpaid Shared Parental Leave (after 39 weeks).

During any period of paid maternity leave the employer will continue to make contributions based upon your normal pay as if you had been at work.

## **10. Shared Parental Leave Payments**

You may be entitled to Shared Parental Pay (ShPP) if you pass the continuity of employment test and earn at least £118 a week for 8 weeks before the 15<sup>th</sup> week of the expected birth or adoption match date. The other parent must also pass the employments and earnings test.

Statutory Shared Parental Pay would be paid at the current rate or 90% of your average weekly earnings, whichever is lower.

Shared Parental Pay can only be claimed for any remaining weeks after the birth parent or primary adopter stops their:

- a) Maternity pay
- b) Adoption pay
- c) Maternity allowance

You will be paid your ShPP in the same way as you are usually paid less any deductions for income tax and National Insurance contributions.

#### **11. Further Information**

For further information on Shared Parental Leave, contact the Town Clerk.

## Shared Parental Leave forms (Maternity)

Template forms for the birth parent or mother and their partner to confirm Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) entitlement with their employers.

Forms below that need to be completed if...			
	both parents want to take SPL	just the birth parent wants to take SPL	just the partner wants to take SPL
Form 1	Yes	Yes	Yes
Form 2	Yes	Yes	No
Form 3	No	No	Yes
Form 4	Yes	No	Yes

- See advice on SPL and ShPP at [www.acas.org.uk/spl](http://www.acas.org.uk/spl)
- Parents can use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents)
- Parents and employers should keep a copy of any completed forms.
- Employers might have their own SPL forms for employees to use.
- If the birth parent is getting Maternity Allowance (MA), they need to notify Jobcentre Plus to curtail this entitlement.

### Abbreviations used in these forms:

SPL Shared Parental Leave  
ShPP Statutory Shared Parental Pay  
SMP Statutory Maternity Pay  
MA Maternity Allowance

**Form 1: Curtailment of maternity leave and pay (for birth parent's employer – must be completed by birth parent/ mother)**

<b>SECTION A:</b>	
<b>General (must be completed)</b>	
Please accept this as my notice to curtail my maternity leave and/or Statutory Maternity Pay (SMP). This form is accompanied by notification that either I or my partner intend to take SPL and/or ShPP.	
I understand my maternity leave will end on the date given in Section B and my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B.	
I understand that I can only reinstate any SMP that I am eligible for if I revoke this notice before the end date given in Section C.	
Birth parent/ mother's last name	
Birth parent/ mother's first name(s)	
Expected date of child's birth	
Actual date of child's birth (if born)	
<b>SECTION B:</b>	
<b>Curtailing maternity leave (must be completed)</b>	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave taken by the date statutory maternity leave ends	
<b>SECTION C:</b>	
<b>Curtailing statutory maternity pay (SMP) (only if claiming ShPP)</b>	
Start date of SMP	
End date of SMP	
Total number of weeks of SMP paid by date SMP ends	
<b>SECTION D:</b>	
<b>Signature (must be completed)</b>	
Signature of birth parent/ mother	
Date signed	

## Form 2: Notification that birth parent or mother is intending to take SPL (for their employer)

<b>SECTION A:</b>	
<b>General (must be completed)</b>	
Please accept this as notification that I (the birth parent/mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Birth parent/mother's last name	
Birth parent/mother's first name(s)	
Partner's last name	
Partner's first name(s)	
Partner's address	
Partner's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born, provide this as soon as possible after the birth and before taking SPL)	
<b>SECTION B:</b>	
<b>Maternity entitlement details (all answers that apply must be completed)</b>	
Start date of statutory maternity leave	
End date of statutory maternity leave	
Total number of weeks of statutory maternity leave that will have been taken at the date statutory maternity leave ends	
Start date of SMP or MA	
End date of SMP or MA	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
<b>SECTION C:</b>	
<b>Amount of SPL available (must be completed)</b>	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and revocation)	
Total number of weeks of SPL I (the birth parent/mother) intend to take	
Total number of weeks of SPL my partner intends to take	
<b>SECTION D:</b>	
<b>Birth parent/mother's leave plans (must be completed but is not binding)</b>	

I (the birth parent/ mother) currently expect to take SPL as follows:	
[Note: It can help to answer this as 'from...to...']	
<b>SECTION E:</b> <b>Amount of ShPP available (only if claiming ShPP)</b>	
Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the birth parent/mother) intend to take	
Total number of weeks of ShPP my partner intends to take	
I (the birth parent/mother) currently expect to take ShPP as follows:	
[Note: It can help to answer this as 'from...to...']	
<b>SECTION F:</b> <b>Birth parent/ mother's declaration (must be completed)</b>	
<b>The following points apply in all circumstances where a mother is entitled to maternity leave:</b> <ul style="list-style-type: none"> <li>• I am giving notice that I am entitled to and intend to take SPL</li> <li>• I have, or will have, been continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due</li> <li>• I will remain employed with this employer until any period of SPL that I intend to take</li> <li>• I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)</li> <li>• I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL</li> <li>• I will inform my employer immediately if I am no longer caring for my child</li> <li>• I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice</li> <li>• I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice</li> <li>• The information provided in this declaration is accurate and meets the notification requirements for SPL</li> </ul>	
<b>The following points only apply if Section E has been completed:</b> <ul style="list-style-type: none"> <li>• I am giving notice that I am entitled to and intend to take ShPP</li> <li>• I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15th week before the expected week of childbirth</li> <li>• I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP</li> <li>• I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)</li> <li>• I intend to care for my child in the weeks I receive ShPP</li> <li>• I will remain employed with this employer until before the date of my first period of ShPP</li> <li>• I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA</li> <li>• The information provided in this declaration is accurate</li> </ul>	
Signature of birth parent/ mother	

Date signed	
<b>SECTION G:</b> <b>Partner's declaration (must be completed)</b>	
<ul style="list-style-type: none"> <li>• I am the father of the child, or at the date of the birth I was (or will be) the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship</li> <li>• I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)</li> <li>• I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth</li> <li>• I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of childbirth</li> <li>• I consent to the amount of SPL which the mother intends to take, as set out in Section D above.</li> <li>• I consent to the mother's employer processing the information I have provided</li> <li>• I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.</li> <li>• The information provided in this declaration is accurate</li> </ul>	
Signature of partner	
Date signed	

**Form 3: Notice confirming that partner is taking SPL but birth parent/mother is not (for birth parent/mother's employer)**

<b>SECTION A:</b> <b>General (must be completed)</b>	
Please accept this as notification that I (the birth parent/ mother) do not intend to take SPL (or ShPP where relevant) but that my partner will be.	
Birth parent/ mother's last name	
Birth parent/ mother's first name(s)	
<b>SECTION B:</b> <b>Confirmation</b>	
<ul style="list-style-type: none"><li>• I am either not entitled to SPL (or ShPP, where relevant), or I do not intend to take SPL (or claim ShPP, where relevant)</li><li>• I declare that my partner has given notice to their employer to take SPL and/or ShPP</li><li>• I consent to my partner's claim for SPL and/or ShPP</li></ul>	
<b>SECTION C:</b> <b>Signature (must be completed)</b>	
Signature of birth parent/ mother	
Date signed	

## Form 4: Notification that partner is intending to take SPL (for partner's employer)

<b>SECTION A:</b>	
<b>General (must be completed)</b>	
Please accept this as notification that I (the partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's last name	
Partner's first name(s)	
Birth parent/ mother's surname	
Birth parent/ mother's first name(s)	
Birth parent/ mother's address	
Birth parent/ mother's National Insurance number (put 'none' if no number is held)	
Expected date of child's birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B:</b>	
<b>Maternity entitlement details (all answers that apply must be completed)</b>	
Start date of birth parent/ mother's maternity leave (if applicable)	
End date of birth parent/ mother's maternity leave (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Start date of SMP or MA (if applicable)	
End date of SMP or MA (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks SMP or MA will be reduced by (39 weeks less total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	

**SECTION C:****Amount of SPL available (must be completed)**

The total number of weeks of SPL created depends on the birth parent/ mother's leave and pay entitlements.

- If the birth parent/ mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the birth parent/ mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the birth parent/ mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the birth parent/ mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)	
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Total number of weeks of SPL I (the partner) intend to take	
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Total number of weeks of SPL the mother intends to take (if applicable)	
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**SECTION D:****Partner's leave plans (must be completed but is not binding)**

I (the partner) currently expect to take SPL as follows:

[Note: It can help to answer this as 'from...to...']

**SECTION E:****Amount of ShPP available (only if claiming ShPP)**

Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)	
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Total number of weeks of ShPP I (the partner) intend to take	
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Total number of weeks of ShPP the birth parent/ mother intends to take	
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I (the partner) currently expect to take ShPP as follows:

[Note: It can help to answer this as 'from...to...']

**SECTION F:****Partner's declaration (must be completed)****The following points apply in all circumstances:**

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth I was (or will be) the birth parent/mother's spouse, civil partner and/or partner living with them and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15th week before the week in which the child is due
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) shared responsibility for the care of our child at the time of the child's birth (along with the child's birth parent/ mother who has made the declaration below)
- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the birth parent/ mother's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes their notice to curtail her maternity leave or SMP/MA period
- The information provided in this declaration is accurate and meets the notification requirements for SPL

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

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

Signature of partner

Date partner signed

**SECTION G:****Birth parent/ mother's declaration (must be completed)****The following points apply in all circumstances:**

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £... in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

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

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

Signature

Date signed

**NOTICE TO BOOK CONTINUOUS SHARED PARENTAL LEAVE**

1. Provide as much notice as possible of your proposed absence dates - a minimum of 8 weeks' notice is required.
2. This form must be returned to the Town Clerk.

Name	
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**Part A – Shared Parental Leave**

Current remaining entitlement	_____ weeks
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Notice is to book a period of	_____ weeks
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Continuous period of leave to start on	___/___/___
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Continuous period of leave to end on	___/___/___
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**Part B – Shared Parental Pay**

Current remaining entitlement	_____ weeks
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During my Shared Parental Leave I would like to receive	_____ Weeks of ShPP
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Continuous period of leave to start on	___/___/___
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Continuous period of leave to end on	___/___/___
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**Part C - Declaration**

I request authority for the above Shared Parental Leave and I understand this will count as 1 of my 3 notices to book leave. I have \_\_\_\_\_ notices remaining.

Signature		Date	
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**NOTICE TO BOOK DISCONTINUOUS SHARED PARENTAL LEAVE**

1. Provide as much notice as possible of your proposed absence dates - a minimum of 8 weeks' notice is required.

2. This form must be returned to the Town Clerk.

Name

**Part A – Shared Parental Leave**

Current remaining entitlement

\_\_\_\_\_ weeks

Notice is to take a discontinuous leave in the period of:

\_\_/\_\_/\_\_ to \_\_/\_\_/\_\_

(add as many dates as you are requesting)

\_\_/\_\_/\_\_ to \_\_/\_\_/\_\_

\_\_/\_\_/\_\_ to \_\_/\_\_/\_\_

\_\_/\_\_/\_\_ to \_\_/\_\_/\_\_

I understand that you do not have to agree to this and that if we do not reach an agreement within 14 days of the date I gave this notice, I must either withdraw the notice 15 days after the notice date or take the total amount of Shared Parental Leave requested in this booking as one continuous leave.

I understand my leave will begin on the start date of the first block of leave I requested unless I notify you within 19 days of the notice date of a different start date. (A new start date must be at least 8 weeks after the notice date).

**Part B – Shared Parental Pay**

Current remaining entitlement of Shared Parental Pay is

\_\_\_\_\_ weeks

During my Shared Parental Leave I would like to receive

\_\_\_\_\_ Weeks of ShPP

(add as many dates as you are requesting)

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

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

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

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

**Part C - Declaration**

I request authority for the above Shared Parental Leave and I understand this will count as 1 of my 3 notices to book leave. I have \_\_\_\_\_ notices remaining.

Signature

Date