



# SHARED PARENTAL LEAVE POLICY

**Blessed Edward Bamber Catholic Multi Academy Trust**

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### PLEASE NOTE:

**WHERE THIS POLICY REFERS TO 'HEADTEACHER' THIS INCLUDES EXECUTIVE HEADTEACHERS AND INTERIM/ACTING HEADTEACHERS.**

This is a Trust-Wide Policy which applies to all academies within the Trust

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## 1 INTRODUCTION

This policy does not form part of any employee's contract of employment and it may be amended at any time, subject to further consultation in accordance with the recognition agreement.

## 2 ABOUT THIS POLICY

This policy outlines the arrangements for shared parental leave and pay in relation to the adoption of a child or the birth of a child. This policy applies to employees. It does not apply to agency workers or self-employed contractors.

## 3 FREQUENTLY USED TERMS

The definitions in this paragraph apply in this policy.

### Adoption

**Partner:** your spouse, civil partner or someone living with you in an enduring family relationship at the time the child is placed for adoption, but not your sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the week the adoption agency notifies you that you have been matched with a child for adoption.

### Maternity

**Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

**Parent:** one of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).

**Partner:** spouse, civil partner or someone living with another person in an enduring family relationship, but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.

**Qualifying Week:** the fifteenth week before the expected week of childbirth.

## 4 What is Shared Parental Leave?

Shared parental leave (SPL) gives you and your partner more flexibility in how to share the care of your child in the first year after birth than simply taking adoption and paternity leave. Assuming you are both eligible, you will be able to choose how to split the available leave between you, and can decide to be off work at the same time or at different times. You may be able to take leave in more than one block. SPL must end no later than one year after the birth of a child and any SPL not taken by the child's first birthday is lost.

### **Entitlement**

You may be entitled to SPL if an adoption agency has placed a child with you and/or your partner for adoption, or you intend to share the main responsibility for the care of your child with your partner.

The following conditions must be fulfilled:

Either you or your partner must qualify for statutory adoption leave and/or SAP and must take at least two weeks of adoption leave and/or pay.

You are entitled to SPL in relation to the birth of a child if:

- You are the child's mother, and share the main responsibility for the care of the child with the child's father (or your partner, if the father is not your partner);
- You are the child's father and share the main responsibility for the care of the child with the child's mother; or
- You are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

- You must have at least 26 weeks continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;
- The other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings as indicated in the regulations; and
- You and the other parent must give to the respective employers the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

The total amount of SPL available is 52 weeks, less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to maternity leave).

If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after the birth. The total amount of SPL available is 52 weeks, less the weeks of adoption leave taken by either you or partner (or the weeks in which your partner has been in receipt of SAP if they were not entitled to adoption leave)

## **6 Applying for Shared Parental Leave and Pay (Adoption)**

Not less than eight weeks before the date you intend your SPL to start, you must complete and submit a shared parental leave form (adoption) (Appendix 2) which includes:

- Your name and your partner's name;
- If you are taking adoption leave, your adoption leave start and end dates;
- If you are not taking adoption leave, your partner's adoption leave start and end dates, or if your partner is not entitled to adoption leave, the start and end dates of their SAP;
- The total SPL available, which is 52 weeks minus the number of weeks adoption leave or SAP taken or to be taken by you or your partner;
- How many weeks of the available SPL will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of SAP taken or to be taken);
- How many weeks of the available ShPP will be allocated to you and how many to your partner (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- Details of the pattern of leave you are taking, including start and end dates for each period of leave; and

- Declarations by you and your partner that you both meet the statutory conditions to enable you to take SPL and ShPP (see Appendix A).

## 7 Applying for Shared Parental Leave and Pay (Birth)

Not less than eight weeks before the date you intend your SPL to start, you must complete and submit a shared parental leave form (maternity) (Appendix 1) giving:

- Your full name and the full name of the other parent;
- If you are the child's mother, the start and end dates of your maternity leave;
- If you are the child's father or the mother's partner, the start and end dates of the mother's maternity leave, or if she is not entitled to maternity leave, the start and end dates of any SMP or MA period;
- The total SPL available, which is 52 weeks minus the number of weeks' maternity leave, SMP or MA period taken or to be taken;
- How many weeks of the available SPL will be allocated to you and how many to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available, which is 39 weeks minus the number of weeks of the SMP or MA period taken or to be taken);
- How many weeks of available SPL will be allocated to you and how many to the other parent (you can change the allocation by giving us a further written notice, and you do not have to use your full allocation);
- Details of the pattern of leave you are taking, including start and end dates for each period of leave; and
- Declarations by you and the other parent that you meet the statutory requirements for SPL.

## 8 Ending Your Adoption/Maternity Leave

If you are taking or intend to take adoption/maternity leave and want to opt into the SPL scheme, you must give us at least eight weeks written notice to end your adoption/maternity leave early (a curtailment notice as per the shared parental leave forms) (Appendix 1/2). The notice must state the date your adoption/maternity leave will end. You can give the notice before or after adoption/maternity leave starts, but you must take at least two weeks adoption leave or maternity leave. SPL cannot start until at least 2 weeks after birth.

You must also give us, at the same time as the curtailment notice, completed SPL forms (see paragraph 6/7) or a written declaration that your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

If your partner is eligible to take SPL from their employer they cannot start it until you have given us your curtailment notice.

The curtailment notice is binding and cannot usually be revoked. You can only revoke a curtailment notice if your adoption/maternity leave has not yet ended and one of the following applies:

- If you realise that neither you nor your partner are in fact eligible for SPL or ShPP, in which case you can revoke the curtailment notice in writing up to eight weeks after it was given;
- If you gave the curtailment notice before giving birth, you can revoke it in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- If your partner has died.

Once you have revoked a curtailment notice you will be unable to opt back in to the SPL scheme.

## **9 Ending Your Partner's Adoption Leave or Pay**

If your partner is taking adoption leave or claiming SAP from their employer, you will only be able to take SPL once your partner has either:

- Returned to work;
- Given their employer a curtailment notice to end adoption leave; or
- Given their employer a curtailment notice to end SAP (if they are entitled to SAP but not adoption leave).

## **10 Ending Your Partner's Maternity Leave or Pay**

If you are not the mother and she is still on maternity leave or claiming SMP or MA, you will only be able to take SPL once the mother has either:

- Returned to work;
- Given her employer a curtailment notice to end her maternity leave;
- Given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- Given the benefits office an ending maternity early (curtailment notice) to end her MA (if she is not entitled to maternity or SMP).

## **11 Evidence of Entitlement**

You must provide on request:

- One or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of your partner's employer (or a declaration that they have no employer).

## **12 Discussions Regarding Shared Parental Leave**

If you are considering taking SPL you are encouraged to contact your line manager to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable us to support you.

Your line manager may, upon receiving a notification of entitlement to take SPL, seek to arrange an informal discussion with you to talk about your intentions and how you expect to use your SPL entitlement.

Upon receiving a completed SPL form (Appendix 1/2), we may arrange a meeting to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or where a request for discontinuous leave (where you intend to return to work between periods of leave) can without further discussion be approved, a meeting may not be necessary.

Where a meeting is arranged it will take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then a discussion may take place over the telephone.

At the meeting you may, if you wish, be accompanied by a workplace colleague or a trade union representative.

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

### **13 Booking Your SPL Dates**

Completing the SPL forms will provide notice of dates for SPL (Appendix 1/2) telling us the start and end dates of your leave. This must be given at least eight weeks before the start of your leave. You must also state in your SPL forms the dates on which you intend to claim shared parental pay (ShPP), if applicable.

If your SPL forms give dates for a single continuous block of SPL you will be entitled to take the leave set out in the notice.

You can submit up to three Notices of Dates for SPL. This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further Notice of Dates for SPL). If your partner is also eligible for SPL you can take up to 3 blocks of leave each. You can take leave at different times or both at the same time.

### **14 Procedure for Requesting Split Period of SPL**

In general, SPL forms should set out a single continuous block of leave. We may, in some cases, be willing to consider a Notice of Dates for SPL where the SPL is split into shorter periods (of at least a week) with periods of work in between. It is best to discuss this with your line manager in advance of submitting any SPL forms. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

You must submit an SPL form (Appendix 1/2) setting out the requested pattern of leave at least eight weeks before the requested start date. If we are unable to agree to your request straight away, there will be a two-week discussion period. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in your notice (for example, if you requested three separate periods of four weeks each, they will be combined into one 12-week period of leave). Alternatively, you may:

- Choose a new start date (which must be at least eight weeks after your original Notice of Dates for SPL was given), and tell us within five days of the end of the two-week discussion period; or
- Withdraw your Notice of Dates of SPL within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

### **15 Changing the Dates or Cancelling Your SPL**

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the SPL forms (Appendix 1/2). You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date and the new start date.



You can change the end date for a period of leave by notifying us in writing at least eight weeks before the original end date and the new end date.

You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period.

You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 12 above.

A notice to change or cancel a period of leave will count as one of your three Notices of Dates for SPL unless:

- The variation is a result of the child being placed with you/born earlier or later than the expected date;
- The variation is at our request; or
- We agree otherwise.

## **16 Shared Parental Pay (ShPP)**

You may be able to claim Statutory Shared Parental Pay (ShPP) of up to 39 weeks (less any weeks of SAP/SMP/MA claimed by you or your partner) if you have at least 26 weeks continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year. ShPP is paid by employers at a rate set by the government each year.

## **17 Other Terms During Shared Parental Leave**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

If you are a member of the employer's pension scheme, we will make employer pension contributions during any period of paid SPL, based on your normal salary, in accordance with the pension scheme rules. Any employee contributions you make will be based on the amount of any shared parental pay you are receiving, unless you inform us that you wish to make up any shortfall.

## **18 Keeping in Touch**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be given the opportunity to work (including attending training) on up to 20 "shared parental leave in touch" days ('SPLIT' days) per employee during your SPL. This is in addition to any KIT (keeping in touch) days that you may have taken during adoption/maternity leave. SPLIT/KIT days are not compulsory and must be discussed and agreed between the group and the employee. Any SPLIT days worked do not extend the period of SPL. You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement.

## **19 Returning to Work**

If you want to end a period of SPL early, you must give us eight weeks prior written notice of the new return date. This should be addressed to your line manager. If you have already given us three Notices of Dates for SPL you will not be able to end your SPL early without our agreement.

If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must give us a written notice at least eight weeks before the date you were due to return to work. If you have already submitted three Notices of Dates for SPL you will not be able to extend your SPL without our agreement. If you are unable to request more SPL, you may instead be able to request annual leave or ordinary parental leave, subject to the needs of the business.

You are normally entitled to return to work in the position you held before starting SPL, and on the same terms of employment. However, if it is not reasonably practicable for us to allow you to return into the same position, we may give you another suitable and appropriate job on terms and conditions that are not less favourable, but only in the following circumstances:

- If your SPL and any adoption/maternity or paternity leave you have taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
- If you took SPL consecutively with more than four weeks of ordinary parental leave.

If you want to change your hours or other working arrangements on return from SPL you should make a request under our Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work you should give notice of resignation in accordance with your contract.

## **20 Pregnancy Loss**

We understand that pregnancy loss can be devastating whether it happens to you or your partner. We are committed to giving all affected employees the support they need and ask that you refer to the Pregnancy Loss Policy for full details and guidance.

## **21 Redundancies During Maternity Leave**

If redundancies are declared whilst an employee is on maternity leave or SPL and the employee is in the pool for selection, she has the first right to any suitable alternative employment. Further guidance can be found in the Staffing Review Redundancy Procedure.

## **22 Annual Leave**

### ***Teachers***

The salary calculation for teaching staff includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your shared parental leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the shared parental leave period. Should there be insufficient Academy closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave during term time at a time mutually agreed with the Headteacher.

### ***Support staff – term time only/term time plus***

The salary calculation for support staff contracted to work term time only or term time plus any agreed additional working days or weeks (as stipulated in the employee's contract),

includes proportionate annual leave entitlement and there is no entitlement to annual leave except during school closure periods.

Your accrued annual leave entitlement will be offset by any period of school closure that occurs in the leave year before and after your shared parental leave. Usually, there will be sufficient time within the school closure periods to accommodate the outstanding annual leave entitlement that you have accrued during the shared parental leave period. Should there be insufficient Academy closure periods to accommodate your outstanding annual leave entitlement, you will be entitled to take any remaining leave during term time at a time mutually agreed with the Headteacher.

### ***Support staff – full working year***

Annual leave entitlement will continue to accrue at the rate provided under your contract. If your shared parental leave will continue into the next holiday year, any holiday entitlement that cannot reasonably be taken before starting your shared parental leave can be carried over to the next holiday year and must be taken immediately before returning to work unless your manager agrees otherwise. Please discuss your holiday plans with your manager in good time before starting shared parental leave. All holiday dates are subject to approval by your manager. The Trust's holiday year runs from 1 September to 31 August.

## **23 Rest Facilities and Breast Feeding**

Health and Safety Regulations (Reg.25 [4] of the Workplace (Health, Safety and Welfare) Regulations 1992) require employers to provide facilities for breastfeeding mothers to rest and to provide adequate rest and meal breaks. It is also considered good practice to provide a private room for nursing mothers to express and store breast milk. The toilets are not 'adequate facilities' for this purpose.

An employee can make a flexible working request to ask for a temporary alteration to working hours to enable her to breastfeed or express milk at work. Refusing a flexible working request to accommodate breastfeeding, without being able to show one of the statutory exemptions applies, could amount to unlawful sex discrimination.

Preventing breastfeeding may also breach public-authority employees' right to respect for private and family life under the European Convention on Human Rights

## Appendix 1 – Shared Parental Leave Forms (Maternity)

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 |
| <b>Form 1</b>                               | Yes                           | Yes                                     | Yes                                |
| <b>Form 2</b>                               | Yes                           | Yes                                     | No                                 |
| <b>Form 3</b>                               | No                            | No                                      | Yes                                |
| <b>Form 4</b>                               | 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;
- 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)

### SECTION A:

#### General (must be completed)

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)

### SECTION B:

#### Curtailing maternity leave (must be completed)

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

### SECTION C:

#### Curtailing statutory maternity pay (SMP) (only if claiming ShPP)

Start date of SMP

End date of SMP

Total number of weeks of SMP paid by date SMP ends

### SECTION D:

#### Signature (must be completed)

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...']   |  |

**SECTION F:**

**Birth parent/mother's declaration (must be completed)**

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

- I am giving notice that I am entitled to and intend to take SPL
- 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
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)
- I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL
- I will inform my employer immediately if I am no longer caring for my child
- 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 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
- 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 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
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

|                                  |  |
|----------------------------------|--|
| Signature of birth parent/mother |  |
| Date signed                      |  |



**SECTION G:**

**Partner's declaration (must be completed)**

- 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
- 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)
- 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
- I have (or will have) earned in total at least £30 in any 13 weeks of those 66 weeks before the expected week of childbirth (£390 in total)
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

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 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 £30 in any 13 weeks of those 66 weeks before the expected week of birth (£390 in total)
- 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 |  |

## Appendix 2 – Shared Parental Leave Forms (Adoption)

Forms for the primary adopter who has taken adoption leave and/or pay and their partner to confirm entitlement to Shared Parental Leave (SPL) or Shared Parental Pay (ShPP) with their employers.

| Forms below that need to be completed if... |                               |  |                                    |
|---|-------------------------------|--|------------------------------------|
|   | both parents want to take SPL | just the primary adopter wants to take SPL | just the partner wants to take SPL |
| <b>Form 1</b>                               | Yes                           | Yes  | Yes                                |
| <b>Form 2</b>                               | Yes                           | Yes  | No                                 |
| <b>Form 3</b>                               | No                            | No   | Yes                                |
| <b>Form 4</b>                               | Yes                           | No   | Yes                                |

- Find 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 copies of any completed forms

### Key abbreviations used in these forms:

|      |                               |
|------|-------------------------------|
| SPL  | Shared Parental Leave         |
| ShPP | Statutory Shared Parental Pay |
| SAP  | Statutory Adoption Pay        |

## Form 1: Curtailment of Adoption Leave and Pay (for Primary Adopter's Employer)

|   |  |
|---|--|
| <b>SECTION A:</b>   |  |
| <b>General (must be completed)</b>  |  |
| Please accept this as my notice to curtail my adoption leave and/or SAP. This form is accompanied by a notification that either I or my partner intend to take SPL and/or ShPP. I understand my adoption leave will end on the date given in section B and my SAP will end on the date given in section C, unless my notice is revoked or there's no entitlement. |  |
| Primary adopter's last name   |  |
| Primary adopter's first name(s)   |  |
| Expected date of child's placement  |  |
| Actual date of child's placement (if known)   |  |
| <b>SECTION B:</b>   |  |
| <b>Curtailing adoption leave (must be completed)</b>  |  |
| Statutory adoption leave start date   |  |
| Date statutory adoption leave will come to an end   |  |
| Total number of weeks of statutory adoption leave taken by the date statutory adoption leave ends   |  |
| <b>SECTION C:</b>   |  |
| <b>Curtailing adoption pay (only if claiming ShPP)</b>  |  |
| SAP start date  |  |
| SAP end date  |  |
| Total number of weeks SAP paid by the date SAP ends   |  |
| <b>SECTION D:</b>   |  |
| <b>Signature (must be completed)</b>  |  |
| Signature of adopter  |  |
| Date signed   |  |



## Form 2: Notification that Primary Adopter 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 primary adopter taking adoption leave/pay) am entitled to and intend to take SPL (and ShPP if section C is completed). |  |
| Primary adopter's last name   |  |
| Primary adopter'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)   |  |
| Date adopter was informed of being matched for adoption   |  |
| Expected date of child's placement  |  |
| Actual date of child's placement (if child not yet placed provide this as soon as possible after placement and before SPL)  |  |
| <b>SECTION B:</b>   |  |
| <b>Adoption entitlement details (all answers that apply must be completed)</b>  |  |
| Start date of statutory adoption leave  |  |
| End date of statutory adoption leave  |  |
| Total number of weeks of statutory adoption leave that will have been taken at the date that statutory adoption leave ends  |  |
| Start date of SAP   |  |
| End date of SAP   |  |
| Total number of weeks SAP has been paid or will have been paid at date of curtailment   |  |
| Total number of weeks by which SAP will be reduced (39 weeks less total number of weeks SAP 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 weeks of adoption leave taken)  |  |
| Total number of weeks of SPL I (the primary adopter) intend to take   |  |
| Total number of weeks of SPL partner intends to take  |  |
| <b>SECTION D:</b>   |  |
| <b>Primary adopter's leave plans (must be completed but is not binding)</b>   |  |
| I (the adopter) 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 weeks SAP taken and any ShPP paid from a previous notice and revocation)   |  |
| Total number of weeks of ShPP I (the primary adopter) intend to take  |  |
| Total number of weeks of ShPP partner intends to take   |  |
| I (the primary adopter) currently expect to take ShPP as follows:   |  |
| [Note: It can help to answer this as 'from...to...']  |  |
| <b>SECTION F:</b>   |  |
| <b>Adopter's declaration (must be completed if primary adopter is entitled to adoption leave)</b>   |  |
| <b>The following points apply in all circumstances:</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 been continuously employed for 26 weeks at the end of the week in which I (the adopter) was notified of having been matched for adoption</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 placement (along with my partner who has made the declaration below) and I intend to care for the child during each week of SPL</li> <li>• I am entitled to adoption leave in respect of the child, my adoption leave period is reduced and will be available as SPL</li> <li>• I will inform my employer immediately if I am no longer responsible for the care of the child</li> <li>• If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched me with the child, of (i) the name and address of the adoption agency; (ii) the date that I was notified of having been matched for adoption with the child; and (iii) the date the adoption agency expects to place the child with me</li> </ul> |  |

- 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
- The information provided in this declaration is accurate

**The following points only apply if section E is 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 week in which I (the adopter) was notified of having been matched for adoption with the child
- I am entitled to SAP in respect of the child placed with me, my adoption pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and, if I am entitled to it, I will be on SPL in those weeks
- I intend to care for my child and to be absent from work in the weeks I receive ShPP and if I am an employee I will be on SPL in those weeks
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who pays ShPP if I revoke curtailment of my SAP
- The information provided in this declaration is accurate

Signature of primary adopter

Date signed

**SECTION G:**

**Partner's declaration (must be completed)**

- I am the primary adopter's spouse, civil partner or partner living with them and the child in an enduring relationship
- I had (or will have) shared responsibility for the child at the time of the placement (along with the primary adopter)
- I have been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks preceding the week in which we were notified of being matched for adoption with the child
- I have earned in total at least £30 in any 13 weeks of those 66 weeks preceding the week in which the adopter was notified of having been matched for adoption with the child (£390 in total)
- I consent to the amount of SPL the primary adopter intends to take, in section D above
- I consent to the primary adopter's employer processing the information I have provided
- I consent to the amount of ShPP the primary adopter intends to take, in section E above
- The information provided in this declaration is accurate

Signature of partner

Date signed

## Form 3: Notice Confirming Partner is Taking SPL but Primary Adopter is Not (for Primary Adopter's Employer)

|  |  |
|--|--|
| <b>SECTION A:</b>  |  |
| <b>General (must be completed)</b>   |  |
| Please accept this as notification that I (the primary adopter) do not intend to take SPL (or ShPP where relevant) but that my partner will be.  |  |
| Primary adopter's last name  |  |
| Primary adopter'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 intended claim for SPL and/or ShPP</li> </ul> |  |
| <b>Signature (must be completed)</b>   |  |
| Signature of primary adopter   |  |
| 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 primary adopter's 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)  |  |
| Primary adopter's last name  |  |
| Primary adopter's first name(s)  |  |
| Primary adopter's address  |  |
| Primary adopter's National Insurance number (put 'none' if no number is held)  |  |
| Date informed of being matched for adoption  |  |
| Expected date of child's placement   |  |
| Actual date of child's placement (if child not yet placed I will provide this information as soon as reasonably practicable following placement and before I take any SPL) |  |
| <b>SECTION B:</b>  |  |
| <b>Adoption entitlement details (all answers that apply must be completed)</b>   |  |
| Start date of statutory adoption leave (if applicable)   |  |
| End date of statutory adoption leave (if applicable)   |  |
| Total number of weeks of statutory adoption leave taken (or that will be taken) when statutory adoption leave ends   |  |
| Start date of SAP (if applicable)  |  |
| End date of SAP (if applicable)  |  |
| Total number of weeks SAP has been paid or will have been paid at date of curtailment  |  |
| Total number of weeks by which SAP will be reduced (39 weeks less total number of weeks SAP 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>   |  |
| <p>The total number of weeks of SPL created depends on the adopter's leave and pay entitlements:</p> <ul style="list-style-type: none"> <li>• If the adopter was/is entitled to adoption leave and SAP, the total created will be 52 weeks less any weeks of adoption leave taken</li> <li>• If the adopter was/is entitled to adoption leave but not to SAP, the total created will be 52 weeks less any weeks adoption leave taken</li> <li>• If the adopter was/is not entitled to adoption leave but is entitled to SAP, the total created will be 52 weeks less any weeks of SAP taken</li> </ul> |  |
| Total number of weeks of SPL created (50 max)  |  |
| Total number of weeks of SPL I (the partner) intend to take  |  |
| <b>SECTION D:</b>  |  |
| <b>Partner's leave plans (must be completed but is not binding)</b>  |  |
| <p>I (the partner) currently expect to take SPL as follows:</p><br><br><br><br><br><br><br><br><br><br><p>[Note: It can help to answer this as 'from...to...']</p>   |  |
| <b>SECTION E:</b>  |  |
| <b>Amount of ShPP available (only complete if claiming ShPP)</b>   |  |
| Total number of weeks of ShPP created (39 weeks less total number of SAP taken and any ShPP paid from a previous notice and revocation)  |  |
| Total number of weeks of ShPP I (the partner) intend to take   |  |
| Total number of weeks of ShPP primary adopter intends to take  |  |
| <p>I (the partner) currently expect to take ShPP as follows:</p><br><br><br><br><br><br><br><br><br><br><p>[Note: It can help to answer this as 'from...to...']</p>  |  |

**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 adopter's spouse, the adopter's civil partner or the adopter's partner living with them and the child in an enduring relationship
- I have been continuously employed for 26 weeks at the end of the week in which the adopter was notified of having been matched for adoption
- 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 our child at the time of the child's placement (along with the primary adopter who has made the declaration below)
- If my employer asks within 14 days of the date of this notice, I will give my employer evidence, in the form of one or more documents issued by the adoption agency that matched the adopter with the child, of (i) the name and address of the adoption agency; (ii) the date that the adopter and/or I was notified of having been matched for adoption with the child; and (iii) the date on which the adoption agency expects to place the child with the adopter and/or me.
- I will give my employer the name and address of the adopter'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
- The information provided in this declaration is accurate

**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 week in which the adopter was notified of having been matched for adoption with the child
- I intend to care for my child and to be absent from work in the weeks I receive ShPP and if I am an employee I will be on SPL in those weeks
- I will remain employed with this employer until before the date of my first period of ShPP
- The information provided in this declaration is accurate

Signature of partner

Date signed

**SECTION G:**

**Adopter's declaration (must be completed)**

**The following points apply in all circumstances:**

- I had (or will have) shared responsibility for the child at the time of the placement of the child (along with my partner who has made the declaration above)
- I am entitled to adoption leave and/or SAP in respect of the child and I have curtailed (or will curtail) my entitlement to adoption leave (or I have returned to work) and/or my entitlement to SAP
- I have been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks preceding the week in which the adopter was notified of having been matched for adoption with the child
- I have earned in total at least £30 in any 13 weeks of those 66 weeks preceding the week in which I (the adopter) was notified of having been matched for adoption with the child (£390 in total)
- 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 SAP, and I have reduced (or will reduce) the SAP 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 consent to the person who will pay ShPP to my partner processing the information I have provided
- I will immediately inform my partner if I revoke the curtailment of my SAP
- The information provided in this declaration is accurate

Signature of primary adopter

Date signed



## Appendix 3 – Notice to Cancel or Vary Shared Parental Leave Booking

For a parent who is eligible for Shared Parental Leave (SPL), and wants to cancel or change the dates of their SPL with their employer.

**You must give your employer 8 weeks' notice to vary or cancel SPL.**

---

[date dd/mm/yy]

Dear [name of manager or employer],

**[Note: use either A or B]**

- A. I am writing to cancel Shared Parental Leave (SPL) I have booked for the following dates:  
from [insert date/s].

I understand I have [insert remaining notices] of my 3 notices left to use.

To my understanding, I have [insert weeks] of my total SPL entitlement remaining.

- B. I am writing to change the dates of Shared Parental Leave (SPL) I have booked.  
The original dates were from [insert date/s] for [insert weeks leave]. weeks after the birth or adoption placement of my child.

The new date/s I wish to book are [insert date/s].

I would like my Shared Parental Pay (ShPP) to be paid on the same dates as above/ [insert date/s if different to above] [delete as appropriate].

I understand this counts as 1 of my 3 notices and that I have [insert remaining notices] notices left to use.

To my understanding, I have [insert weeks] of my total SPL entitlement remaining.

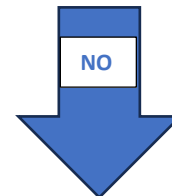
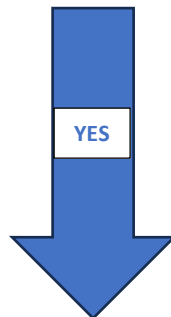
Yours sincerely,

**NAME**

## Appendix 4 – Shared Parental Leave – The Process

### Eligibility

Do the employees and their partner satisfy the eligibility criteria for SPL?  
See Shared Parental Leave Forms (Appendix 1/2)



Employee is not eligible for SPL/SPP but may still be eligible for maternity or paternity pay

### Forms:

The following form must be given to the employer:

1. Shared Parental Leave Form – maternity (App 1) for birth SPL
2. Shared Parental Leave Form – adoption (App 2) for adopting

Two weeks maternity leave (compulsory) must be taken.

If notice is given ending maternity/adoption leave early (curtailment notice) before giving birth/placement of child, it can be revoked in writing before the leave curtailment date and within six weeks of the birth/placement of the child.

### Leave

The employer is only obliged to accept three notices to book leave per employee. This includes the initial request and two further notifications/changes to previous notifications.

Where the request is for continuous leave the employer must agree to it and the employee cannot withdraw the request unless the employer agrees to this.

Where the request is for discontinuous leave and the employer doesn't immediately agree to it, there should be a two week discussion period between the employer and employee.

If agreement is still not reached SPL defaults to the period of continuous leave unless the employee withdraws the request within 15 calendar days of the original notification (it won't then count towards the three notice limit).

The employee can change the start date of this continuous leave provided they do so within five days of the end of the discussion period above and the new date does not start sooner than eight weeks from the date the original notification was given.