



Shared Parental Leave Policy

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Policy Version Control

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26th November 2015

Ormiston Academies Trust

Shared Parental Leave Policy

Policy Version Control

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1. Policy statement

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies due on or after 5 April 2015. Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected by shared parental leave. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave.

The organisation recognises that, from time to time, employees may have questions or concerns relating to their shared parental leave rights. It is the organisation's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with the HR department to ensure that they are followed correctly.

1.1 Definitions under this shared parental leave policy

The following definitions are used in this policy:

"Mother" means the mother or expectant mother of the child.

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Expected week of childbirth" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.

1.2 Scope of this shared parental leave policy

This policy applies in relation to employees of the organisation, whether they are the mother or the partner. If it is the mother who is employed by the organisation, her partner must (where relevant) submit any notifications to take shared parental leave set out in this policy to his/her own employer, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave.

Similarly, if it is the partner who is employed by the organisation, the mother must (where relevant) submit any notifications to take shared parental leave to her own employer.

The mother and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

1.3 Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the mother brings her maternity leave period to an end and the amount of leave that the other parent takes in respect of the child. Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The first two weeks following birth are the compulsory maternity leave period and are reserved for the mother. This means that the mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of birth.

1.4 Eligibility for shared parental leave

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

Mother's eligibility for shared parental leave

The mother is eligible for shared parental leave if she:

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

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

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

Partner's eligibility for shared parental leave

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

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

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

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

1.5 Notice requirements for shared parental leave

The notices that the parents must give to the relevant employer to be able to take shared parental leave are made up of three elements. They are:

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

The notice periods set out below (see Mother's notice curtailing maternity leave, Employee's notice of entitlement and intention and Employee's period of leave notice) are the minimum required by law. However, the earlier the employee informs the organisation of his/her intentions, the more likely it is that the organisation will be able to accommodate the employee's wishes, particularly if he/she wants to take periods of discontinuous leave.

Employees are advised that, if they have already decided the pattern of shared parental leave that they would like to take, they can provide more than one type of notice at the same time. For example, the mother could provide a maternity leave curtailment

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

Mother's notice curtailing maternity leave

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

- after the compulsory maternity leave period, which is the two weeks after birth;
- at least eight weeks after the date on which the mother gave the maternity leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity leave period.

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

Revocation of maternity leave curtailment notice

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

- it is discovered that neither the mother nor the partner are entitled to shared parental leave or statutory shared parental pay and the mother withdraws her maternity leave curtailment notice within eight weeks of the date on which the notice was given;
- the maternity leave curtailment notice was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child's birth; or
- the partner has died.

Employee's notice of entitlement and intention

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

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

- the mother's name;
- the partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the mother);
- how much shared parental leave the mother and partner each intend to take; and
- a non-binding indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave).

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

- she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information she gives in the notice of entitlement and intention is accurate; and
- she will immediately inform the organisation if she ceases to care for the child.

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

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

- declaring that the partner satisfies, or will satisfy, the conditions set out above (see Mother's eligibility for shared parental leave);
- declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother;
- declaring that the partner consents to the amount of leave that the mother intends to take; and
- declaring that the partner consents to the mother's employer processing the information in the partner's declaration.

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

- the partner's name;
- the mother's name;
- the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother;
- the total amount of shared parental leave available;
- the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by the partner);
- how much shared parental leave the partner and mother each intend to take; and
- a non-binding indication as to when the partner intends to take shared parental leave (including the start and end dates for each period of leave).

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

- he/she satisfies, or will satisfy, the eligibility requirements to take shared parental leave;
- the information given by the partner in the notice of entitlement and intention is accurate; and
- he/she will immediately inform the organisation if he/she ceases to care for the child or if the mother informs him/her that she no longer meets the requirement to have curtailed her maternity leave or pay period.

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

- specifying the mother's name, address, and national insurance number (or declaring that the mother does not have a national insurance number);
- declaring that the mother satisfies, or will satisfy, the conditions set out above (see Partner's eligibility for shared parental leave) and she will notify the partner if she no longer qualifies for maternity leave, statutory maternity pay or maternity allowance;
- declaring that the mother consents to the amount of leave that the partner intends to take;
- declaring that she will immediately inform the employee if she no longer meets the requirement to have curtailed her maternity leave or pay period; and
- declaring that the mother consents to the partner's employer processing the information in the mother's declaration.

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

- a copy of the child's birth certificate (or, if the child has not been born, a copy of the birth certificate within 14 days of the birth - if the birth certificate has yet to be issued after this period, a signed declaration stating the date and location of the child's birth will suffice); and
- the name and address of the other parent's employer (or a declaration that the other parent has no employer).

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

Variation or cancellation of notice of entitlement and intention

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

- an indication as to when the employee intends to take shared parental leave (including the start and end dates for each period of leave);
- details of any periods of shared parental leave that have been notified through a period of leave notice;
- details of any periods of statutory shared parental pay that have been notified in relation to periods where shared parental leave was not to be taken; and
- a declaration signed by the mother and the partner that they agree to the variation.

Any indication of leave intended to be taken that the employee provides in a variation of notice of entitlement and intention is non-binding until he/she provides a period of leave notice in relation to that period of leave. There is no limit on the number of variations of notice of entitlement and intention that the employee can make.

Employee's period of leave notice

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

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

Variation or cancellation of period of leave notice

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

- vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
- request that a continuous period of leave become discontinuous periods of leave; or
- request that discontinuous periods of leave become a continuous period of leave.

1.6 Limit on number of requests for leave

The employee can provide a combined total of up to three period of leave notices or variations of period of leave notices per pregnancy, although the organisation may waive this limit in some circumstances.

1.7 Continuous period of shared parental leave

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

1.8 Discontinuous periods of shared parental leave

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the organisation, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

If agreement is reached within those two weeks, the employee is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the employee is entitled to take the leave as one continuous period of leave. In that event, the employee must choose a start date for the leave that is at least eight weeks from the date on which the period of leave notice was originally given. The employee must notify the organisation of that date within five days of the end of the two-week discussion period. If the employee does not choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the period of leave notice.

Alternatively, if the organisation has refused the request or no agreement has been reached during the two-week discussion period, the employee may withdraw a period of leave notice requesting discontinuous periods of leave. The employee can withdraw a period of leave notice at any time on or before the 15th day after the period of leave notice was given. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

1.9 Amount of shared parental pay available

Statutory shared parental pay is available for eligible parents to share between them while on shared parental leave. The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the mother has been paid when her maternity leave or pay period ends.

A total of 39 weeks' statutory maternity pay or maternity allowance is available to the mother. As there is a compulsory maternity leave period of two weeks, this means that a mother who ends her maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with her partner (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

Any statutory shared parental pay due during shared parental leave will be paid at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate.

It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

1.10 Eligibility for statutory shared parental pay

For employees to be eligible for statutory shared parental pay, both parents must meet certain eligibility requirements.

Mother's eligibility for statutory shared parental pay

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

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with her employer until the week before any period of shared parental pay that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives statutory shared parental pay; and
- is entitled to statutory maternity pay in respect of the child, but the maternity pay period has been reduced.

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

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks.

Partner's eligibility for statutory shared parental pay

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

- has at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remains in continuous employment with his/her employer until the week before any period of shared parental pay that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the expected week of childbirth of at least the lower earnings limit for national insurance contribution purposes;
- has, at the date of the child's birth, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives statutory shared parental pay.

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

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold [currently £30] for any 13 of those 66 weeks;
- have, at the date of the child's birth, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to statutory maternity pay or maternity allowance in respect of the child, but the maternity pay period or maternity allowance period has been reduced.

1.11 Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. Salary will be replaced by statutory shared parental pay if the employee is eligible for it.

This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue. Pension contributions will continue to be paid.

1.12 Contact during shared parental leave

The organisation reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the organisation (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

The organisation has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the organisation.

If you are entitled to receive statutory shared parental pay for any week during which you attend work for SPLIT days, you will still receive this in the usual way. In addition, we will also pay you for each hour that you work during a SPLIT day at your usual rate.

1.13 Returning to work following shared parental leave

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

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

2. Roles and responsibilities

2.1 Key personnel

Carmel Brown – Director of People and Projects		
Contact Details	Email	Carmel.brown@ormistonacademies.co.uk
	Telephone	0121 236 5100
Melanie Wheeler – HR Business Partner		
Contact Details	Email	Melanie.wheeler@ormistonacademies.co.uk
	Telephone	0121 236 5100
Becky Smith – HR Advisor		
Contact Details	Email	Becky.smith@ormistonacademies.co.uk
	Telephone	0121 236 5100

Appendix I Shared Parental Leave Forms

Shared parental leave: maternity leave curtailment notice	
<p>Notes:</p> <p>You should complete and submit this form alongside the organisation's Form for a mother to provide a notice of entitlement and intention to take shared parental leave or the declaration that your partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that you consent to the amount of leave that he/she intends to take.</p> <p>Please think very carefully before you submit this form. Once the form is submitted, you can withdraw your maternity leave curtailment notice only in limited circumstances.</p> <p>The date on which you end your maternity leave must be at least:</p> <ul style="list-style-type: none"> ▪ •eight weeks after the date on which you provide this notice to the organisation; ▪ •two weeks after you give birth; and ▪ one week before what would have been the end of your additional maternity leave. 	
Name of employee:	
Job title:	
<p>I wish to bring my [ordinary/additional] maternity leave [and statutory maternity pay] to an end to be able to take shared parental leave. I have also completed a [form providing a notice of entitlement and intention to take shared parental leave/declaration that my partner has provided a notice of entitlement and intention to take shared parental leave to his/her employer and that I consent to the amount of leave that he/she intends to take].</p>	
I wish to end my [ordinary/additional] maternity leave on:	
I wish my statutory maternity pay period (if applicable) to end on:	
Signed:	
Dated:	

Shared parental leave: period of leave notice

Notes:

You can request to take shared parental leave in one continuous block (in which case the organisation is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the organisation's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.

The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.

This notice is to confirm to the organisation the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.

The organisation recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.

You and your partner must take any shared parental leave within 52 weeks of the birth of your child.

Name of employee:

Job title:

I wish to take the following period(s) of shared parental leave. Please complete either section A or section B.

Section A: please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave.

I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):

Section B: please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born.

I wish my shared parental leave to start [on the day on which my child is born/the following number of days after the date on which my child is born]:

I wish my shared parental leave to end the following number of days after the date on which my child is

born:	
Signed:	
Dated:	

Shared parental leave: variation of period of leave notice

Notes

This notice is to amend a period of shared parental leave that you intend to take and that you provided in a period of leave notice. You must have already submitted a period of leave notice before using this form.

The organisation recognises that employees' plans can change. However, it is recommended that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend your requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.

You and your partner must take any shared parental leave within 52 weeks of the birth of your child.

Name of employee:

Job title:

I previously provided the organisation with notice of my proposed shared parental leave in a period of leave notice dated [date]. I now wish to amend my shared parental leave request.

I had already notified the organisation in my period of leave notice or a variation of period of leave notice (if applicable) that I would be taking the following periods of shared parental leave:

I now intend to take shared parental leave on the following dates instead (please include the start and end dates for each period of leave that you now intend to take):

I have already notified the organisation of the following periods of statutory shared parental pay (if applicable):

Signed:

Dated:

Shared parental leave: notice of entitlement and intention (mother)

Notes

The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.

This notice is to allow the organisation to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the organisation a variation notice.

Name of employee:

Job title:

I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner.

Section A: information to be provided by employee

My partner's name is:

My maternity leave [started/is expected to start] on:

My maternity leave [ended/is expected to end] on:

My [child's expected week of birth is/child was born on]:

The total amount of shared parental leave my partner and I have available is:

I intend to take the following number of weeks' shared parental leave:

My partner intends to take the following number of

<p>weeks' shared parental leave:</p>	
<p>I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):</p>	
<p>The total amount of shared parental pay (if applicable) my partner and I have available is:</p>	
<p>I intend to take the following number of weeks' shared parental pay (if applicable):</p>	
<p>My partner intends to take the following number of weeks' shared parental pay (if applicable):</p>	
<p>I intend to take shared parental pay on the following dates (if applicable):</p>	
<p>Section B: declaration to be completed by employee</p>	
<p>I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave:</p>	
<p>I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation</p>	
<p>At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child</p>	
<p>I am entitled to statutory maternity leave in respect of the child</p>	
<p>I have [complied with the organisation's maternity leave curtailment requirements/returned to work before the end of my statutory maternity leave period], and will comply with the organisation's shared parental leave notice and evidence requirements</p>	

<p>The information that I have provided is accurate</p>	
<p>I will immediately inform the organisation if I cease to care for the child</p>	
<p>Section C: declaration to be completed by employee's partner</p>	
<p>My name is:</p>	
<p>My address is:</p>	
<p>[My national insurance number is/I do not have a national insurance number]:</p>	
<p>I [satisfy/will satisfy] the following eligibility requirements to enable the mother to take shared parental leave:</p>	
<p>I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth</p>	
<p>I have average weekly earnings of at least £30 for any 13 of those 66 weeks</p>	
<p>At the date of the child's birth, I [have/will have] the main responsibility, apart from the mother, for the care of the child</p>	
<p>I am the father of the child, or am married to, the civil partner of, or the partner of, the mother</p>	
<p>I consent to the amount of shared parental leave that the mother intends to take</p>	
<p>I consent to your organisation processing the information provided in this form</p>	
<p>Section D: signatures</p>	

Signed (mother):	
Dated (mother):	
Signed (partner):	
Dated (partner):	

Shared parental leave: notice of entitlement and intention (partner)

Notes

The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.

This notice is to allow the organisation to check that you are entitled to shared parental leave and to provide the organisation with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the organisation a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the organisation a variation notice.

Name of employee:

Job title:

I wish to provide the organisation with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother.

Section A: information to be provided by employee

The mother's name is:

The mother's maternity leave [started/is expected to start] on:

The mother's maternity leave [ended/is expected to end] on:

The mother [received/is expected to receive] the following periods of [statutory maternity pay/maternity allowance]:

My [child's expected week of birth is/child was born on]:

The total amount of shared parental leave the mother and I have available is:

<p>I intend to take the following number of weeks' shared parental leave:</p>	
<p>The mother intends to take the following number of weeks' shared parental leave:</p>	
<p>I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):</p>	
<p>The total amount of shared parental pay (if applicable) the mother and I have available is:</p>	
<p>I intend to take the following number of weeks' shared parental pay (if applicable):</p>	
<p>The mother intends to take the following number of weeks' shared parental pay (if applicable):</p>	
<p>I intend to take shared parental pay on the following dates (if applicable):</p>	
<p>Section B: declaration to be completed by employee</p>	
<p>I declare that I [satisfy/will satisfy] the following eligibility requirements to take shared parental leave:</p>	
<p>I [have/will have] 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the organisation</p>	
<p>At the date of the child's birth, I [have/will have] the main responsibility, apart from the mother, for the care of the child</p>	
<p>I will comply with the organisation's shared parental leave notice and evidence requirements</p>	

<p>The information that I have provided is accurate</p>	
<p>I am the father of the child, or am married to, the civil partner of, or the partner of, the mother</p>	
<p>I will immediately inform the organisation if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity leave or pay period</p>	
<p>Section C: declaration to be completed by the mother</p>	
<p>My name is:</p>	
<p>My address is:</p>	
<p>[My national insurance number is/I do not have a national insurance number]:</p>	
<p>I [satisfy/will satisfy] the following eligibility requirements to enable my partner to take shared parental leave:</p>	
<p>I have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth</p>	
<p>I have average weekly earnings of at least £30 for any 13 of those 66 weeks</p>	
<p>At the date of the child's birth, I [have/will have] the main responsibility, apart from my partner, for the care of the child</p>	
<p>I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child</p>	
<p>I have [curtailed my maternity leave/returned to work before the end of my statutory maternity leave period]</p>	

<p>I consent to the amount of shared parental leave that my partner intends to take</p>	
<p>I will immediately inform my partner if I no longer meet the requirements to curtail my maternity leave (and pay, if applicable)</p>	
<p>I consent to your organisation processing the information provided in this form</p>	
<p>Section D: signatures</p>	
<p>Signed (partner):</p>	
<p>Dated (partner):</p>	
<p>Signed (mother):</p>	
<p>Dated (mother):</p>	
<p>Shared parental leave: variation of notice of entitlement and intention</p>	
<p>Notes</p> <p>This variation of notice of entitlement and intention is not binding. You must still provide a period of leave notice in relation to the period of leave that you are seeking to change. There is no limit on the number of variations of notice of entitlement and intention that you can make, although you can give a maximum of three period of leave notices.</p>	
<p>Name of employee:</p>	
<p>Job title:</p>	
<p>I previously provided the organisation with an initial indication, in my notice of entitlement and intention dated [date], of my proposed shared parental leave dates. I now wish to amend my proposed shared parental leave dates. My partner and I agree to this change.</p>	
<p>I now intend to take shared parental leave on the following dates (please include the start and end dates</p>	

<p>for each period of leave that you now intend to take):</p>	
<p>I have already notified the organisation in any period of leave notice or a variation of period of leave notice (if applicable) that I will be taking the following periods of shared parental leave:</p>	
<p>My partner has already notified his/her employer in any period of leave notice or a variation of period of leave notice (if applicable) that he/she will be taking the following periods of shared parental leave:</p>	
<p>I have already notified the organisation of the following periods of statutory shared parental pay (if applicable):</p>	
<p>My partner has already notified his/her employer of the following periods of statutory shared parental pay (if applicable):</p>	
<p>Signed (mother):</p>	
<p>Dated (mother):</p>	
<p>Signed (partner):</p>	
<p>Dated (partner):</p>	

Appendix 2 Shared Parental Leave – Sample Letters

Letter confirming an agreed period of continuous shared parental leave

[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

Thank you for your notice requesting a continuous period of shared parental leave. I can confirm that you are entitled to take the period of shared parental leave requested. Your period of leave will commence on [date] and finish on [date].

During your period of shared parental leave, all the terms of your contract of employment, except your salary will continue.

Instead of salary during [some of] your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. Your statutory shared parental pay period will commence on [date] and end on [date].

OR - employee not entitled to statutory shared parental pay

You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].

If you subsequently wish to cancel the leave or request a variation to the start and/or end date of your period of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. [The organisation provides a form for you to request a variation to your periods of shared parental leave.]

You are eligible to work for the organisation for up to 20 days of work during your period of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your period of shared parental leave, the organisation may contact you about the possibility of working SPLIT days. You may also write to the organisation to request to work on SPLIT days. However, you are under no obligation to agree to attend work and the organisation is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the organisation reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

[]

Letter inviting an employee to a meeting to discuss a discontinuous leave request

[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

Thank you for your notice requesting the following discontinuous periods of shared parental leave:

You have requested that your first period of shared parental leave will start on [date] and finish on [date].

You have requested that your second period of shared parental leave will start on [date] and finish on [date].

You have requested that your third period of shared parental leave will start on [date] and finish on [date].

We would like to discuss your request with you to see how your proposed pattern of shared parental leave might work in practice, and also to discuss the potential implications of your suggested pattern of shared parental leave. I suggest that you attend a meeting with [name] on [date] at [time]. [You may, if you wish, bring a [colleague/trade union representative/personal friend/family member] with you to the meeting.]

We will endeavour to grant your request where possible, but we will also need to consider the effects of your proposed pattern of shared parental leave on the organisation, the work of your department and your colleagues. It would be helpful if you are willing at the meeting to discuss possible alternatives to the pattern of leave that you have requested with a view to seeking a compromise arrangement that suits both parties (if this is necessary).

Following the meeting, a decision will be made on the feasibility of your requested pattern of shared parental leave and the decision will be communicated to you in writing by [date]. If we cannot agree to your original request or a compromise arrangement by [date that is two weeks from the date period of leave notice was submitted], you will still have the opportunity to take the leave as one continuous period of leave.

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so by [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about the meeting or any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

[]

Letter agreeing to discontinuous periods of shared parental leave

[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. [The organisation agrees to the periods of shared parental leave that you have requested. / Although we were not able to agree to your original request, I am pleased that we were able to reach a compromise.] Your periods of leave will be as follows [adapt as required]:

Your first period of shared parental leave will start on [date] and finish on [date].

Your second period of shared parental leave will start on [date] and finish on [date].

Your third period of shared parental leave will start on [date] and finish on [date].

During each of your periods of shared parental leave, all the terms of your contract of employment, except your salary, will continue.

Instead of salary, during [some of] your shared parental leave, you will be paid statutory shared parental pay at the rate set by the Government for the relevant tax year. You will get statutory shared parental pay totalling [number] weeks.

For you, this means that you will be paid as follows [adapt as required]:

Your first period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year].

Your second period of shared parental leave, starting on [date] and finishing on [date], will be paid at the statutory rate of [the rate set by the Government for the relevant tax year] for the first [number] weeks, and the subsequent [number] weeks will be unpaid.

Your third period of shared parental leave, starting on [date] and finishing on [date], will be unpaid.

OR - employee not entitled to statutory shared parental pay

You will not be entitled to statutory shared parental pay during your shared parental leave because [your normal weekly earnings are below the current lower earnings limit for national insurance contributions/you and your partner [have/will have] received the full 39-week statutory pay entitlement during other periods of statutory [maternity/adoption/shared parental] leave].

If you subsequently wish to cancel one or more periods of shared parental leave or request a variation to the start and/or end dates of any of your periods of shared parental leave, you may do so by giving notice at least eight weeks before the original or new date, whichever is earlier. [The organisation provides a form for you to request a variation to your periods of shared parental leave.]

You are eligible to work for the organisation for up to 20 days of work during your periods of shared parental leave (known as "shared-parental-leave-in-touch" (SPLIT) days) without bringing your shared parental leave to an end and without the loss of a week's shared parental pay (where it is due in that week). For these purposes, work can also include work that you are required to do under your contract of employment and may include training or any activity done for the purpose of keeping in touch with the workplace such as attendance at conferences, appraisals or team meetings.

During your periods of shared parental leave, the organisation may contact you about the possibility of working SPLIT days. You may also write to the organisation to request to work on SPLIT days. However, you are under no obligation to agree to attend

work and the organisation is under no obligation to offer you SPLIT days. It is entirely your decision and you will not be subjected to any form of detriment if you do not wish to agree to work SPLIT days.

In any event, the organisation reserves the right to maintain reasonable contact with you from time to time during your shared parental leave. This may be to discuss your plans for return to work, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work in your absence.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely

Letter rejecting a request for discontinuous shared parental leave

[Date]

[Recipient's name]
[Recipient's address]
[Recipient's town]
[Recipient's postcode]

Dear []

Thank you for your notice requesting discontinuous periods of shared parental leave [and your attendance at a meeting to discuss your request]. Unfortunately, the organisation cannot agree to the periods of shared parental leave that you have requested [and we were unable to reach a compromise]. You requested periods of leave as follows [adapt as required]:

You have requested that your first period of shared parental leave will start on [date] and finish on [date].

You have requested that your second period of shared parental leave will start on [date] and finish on [date].

You have requested that your third period of shared parental leave will start on [date] and finish on [date].

Having given the matter thorough consideration, I regret that the organisation is unable to accommodate your proposed pattern of shared parental leave. The [reason/reasons] for this [is/are] set out below.

This pattern of shared parental leave would [adapt as required]:

[have a detrimental effect on the organisation's ability to meet its customers' demands;

have a detrimental effect on the organisation's ability to complete [details of project];

create unacceptable difficulties for the organisation as it [would be/has been] unable to make arrangements to reorganise your work among other staff;

create unacceptable difficulties for the organisation in finding suitable cover for you during your absences;

be inappropriate due to planned structural changes.]

The reason why this is relevant to your request for discontinuous periods of shared parental leave is [explain further why the employee's request is not workable].

You can still take the leave as one continuous period of leave. To do so, you must choose a start date no sooner than [date that is eight weeks from the date on which the period of leave notice was originally given]. You must notify the organisation of that date by [date that is five days after the end of the two-week discussion period]. If you do not choose a start date by this date, the period of continuous leave will start on [date of the first period of leave requested in the period of leave notice].

You can also withdraw your period of leave notice requesting discontinuous periods of leave, as long as you do so no later than [date that is 15th day after the period of leave notice was submitted]. A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the three requests for shared parental leave that you can make.

If you have any questions about any aspect of your shared parental leave entitlement, please do not hesitate to contact me.

Yours sincerely