



Shared parental leave and pay procedure

Procedure Summary

This procedure sets out the entitlement to shared parental leave and pay. The Shared Parental Leave regulations provide an opportunity for parents to take advantage of additional flexibility in the way they choose to care for a new arrival to the family. One paragraph summary of policy: this should be the same text used on the Redroom summary page.

Policy Overview

Extract from HR Policy framework

5.3.4 Shared parental leave

Shared parental leave enables eligible employees to share up to 50 weeks leave with their partner (or the child's other parent). This scheme allows eligible parents to curtail their maternity or adoption leave and pay, and share the remaining leave entitlement with their partner.

The employee seeking to request shared parental leave must have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth or 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas).

The number of weeks' shared parental pay is available to eligible employees will depend on how much maternity or adoption pay the partner/other parent has already received.

As there is a compulsory maternity/Adoption leave period of two weeks after the birth or child's placement, a mother/principal adopter who ends her maternity/ adoption leave at the earliest opportunity could share up to 37 weeks' shared parental pay with their partner.

Owner	Executive Director of People and Learning
Procedure Lead	Workforce Policy Advisor
Formally endorsed by	Executive Leadership Team
Endorsed	May 2015
Next Review	February 2020
Audience	All staff
Related to policy	HR Policy Framework section 5.3.4

1 Introduction

- 1.1 The Shared Parental Leave Regulations 2014 came into force on 1 December 2014 and enable eligible employees who have babies due, or will have a child placed for adoption, on or after 5 April 2015 to share up to 50 weeks leave with their partner (please see definition of “partner” below); this includes allowing parents to take the leave at the same time.
- 1.2 The Regulations will allow mothers and adopters to curtail their maternity leave and pay, and share the remaining parental leave with their partner. This means that:
- > Mothers or adopters can return to work before their 52 weeks maternity/ adoption leave has finished and the second parent can then take parental leave
 - > parents can spend time off together
 - > parents can take the leave in alternating blocks
- 1.3 NB the regulations replace the additional paternity leave regulations, which allowed eligible employees to take up to 26 weeks leave to care for their baby.
- 1.4 **Definitions used in this shared parental leave policy and associated procedure**
- 1.5 The following definitions are used in this document:
- > "Mother" - the mother or expectant mother of the child.
 - > “Father” – the father of the child
 - > "Partner" - husband, wife, civil partner, partner, joint adopter, or the child’s other parent.
 - > “Parents” – mother, father, husband, wife, civil partner, partner, adopter, joint adopter
 - > "Expected week of childbirth" - the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth.
 - > "Adopter" - the person with whom the child is, or is expected to be, placed for adoption or, the person who has elected to be the child's primary adopter for the purposes of adoption leave.
 - > “Joint adopter” - in a case where two people have been matched jointly, the person who has elected to be the child's secondary adopter for the purposes of adoption leave.
 - > "Matched for adoption" - an adoption agency deciding that a person would be a suitable adoptive parent for a child either individually or jointly with another person. A person is notified of having been "matched for adoption" with a child on the date on which the person receives notification of the adoption agency's decision.

- > "Placed for adoption" - placed for adoption under UK adoption laws, including placement with a local authority foster parent who is also a prospective adopter ("foster to adopt").

- 1.6 It is the organisation's policy to encourage open discussion with employees regarding shared parental leave to ensure that questions and problems can be resolved as quickly as possible.
- 1.7 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.
- 1.8 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.
- 1.9 The mother and the partner should ensure that they are each liaising with their own employer to guarantee that requests for shared parental leave are handled as smoothly as possible.
- 1.10 The obligation is on each parent to agree their proposed plan with their own employer, and there is no requirement for employers to liaise with one another.
- 1.11 This policy has been produced in line with, and should be interpreted in the light of our organisational values: compassionate, courageous, inclusive and dynamic.

2 **Setting out the process**

2.1 **Eligibility**

- 2.2 Shared parental leave can be taken by eligible employees who are parents of children with babies due to be born, or placed for adoption on or after 5 April 2015.
- 2.3 The eligibility requirements set out by the government are complex and involve both parents meeting certain employment and earnings-related criteria. This includes our employee (whether mother / adopter or partner) having at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth (as with eligibility for paternity and adoption leave).
- 2.4 However, as eligibility criteria are required from both parents and the organisation is not required to liaise with the employer of the other parent, it is our employee's responsibility to give written declaration confirming that they are eligible to take shared parental leave and/or pay and to also provide a written declaration from their partner confirming that he/she is eligible, meets the 'employment and earnings test' and consents to the taking of shared parental leave and/or pay.

- 2.5 Further detail about eligibility requirements can be found in Appendix 4.
- 2.6 **When and how much leave can be taken, and pay received**
- 2.7 Shared parental leave allows parents to take leave in the following ways using the remaining balance of the mother / adopter's leave and pay entitlement:
- > together
 - > just the partner
 - > parents can take leave in alternating blocks
- 2.8 The mother / adopter and partner must take any shared parental leave within 52 weeks of the child's birth. Taking into account the following:
- > mothers / adopters cannot curtail maternity / adoption leave to take shared parental leave until at least two weeks after the birth or child's placement, this means that the maximum period that mothers / adopters can take as shared parental leave is 50 weeks (which can be a combination of an initial period of maternity leave, followed by shared parental leave)
 - > shared parental leave must be taken in blocks of at least one week and employees can request shared parental leave in one continuous block, or as a number of discontinuous blocks
 - > a maximum of three requests for leave per pregnancy can be made by each employee
 - > Fathers pay entitlement will be based on the pay received at the relevant week. (For example: if the mother has already taken 15 weeks leave, and wishes to curtail her leave at week 16, and the father starts his leave at week 16, the pay entitlement will be what is normally issued at week 16, not week 1).
 - > Partners can start Shared Parental Leave and Pay before the end of the Maternity or adoption leave as long as the mother or adopter have provided binding notice of the end date of the maternity or adoption leave.
- 2.9 **How to request leave and notice required**
- 2.10 Any employee who intends to take shared parental leave must let their line manager know as soon as possible.
- 2.11 Formal requests must be made using the **Shared Parental Leave request form**, giving a minimum of eight weeks' notice. The request, known as the 'period of leave notice', should set out the start and end dates of each period of shared parental leave and can be a request for continuous or discontinuous periods of leave.
- 2.12 In addition to the above, Mothers and Principal adopters are also required to provide notice for maternity / adoption leave curtailment - setting out when they

propose to end their maternity / adoption leave (unless already returned to work). This can be done using the **Maternity/ Adoption curtailment form**.

- 2.13 These are a non-binding indication of each period of shared parental leave proposed and can be changed at any time as long as notice of the changes is given in advance of them happening.
- 2.14 More detailed information regarding notices can be found in Appendix 5.
- 2.15 **How line managers should consider a request**
- 2.16 Eligible staff can either make a request for one continuous period, or for discontinuous periods of shared parental leave. Each employee can make up to three requests. Any request for a continuous period of leave must be accepted.
- 2.17 If a request is made for discontinuous periods of leave however, the organisation must respond within a 14-day discussion period and must be with one of the following responses:
- > accept the request
 - > propose alternatives
 - > refuse the request
- 2.18 If the request is refused the employee may either withdraw their request or take the leave as a continuous period instead. The start date for the leave must be at least eight weeks from the original period of leave notice and should be confirmed within five days of the end of the two-week discussion period.
- 2.19 Employees can withdraw a request on or before the 15th day after the request was made. A request for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave (see 2.6).
- 2.20 **Recording shared parental leave**
- 2.21 Once the actual dates for the leave have been established, and the P&L support team receive the **form** the leave will be added to SAVi. A letter confirming the dates will be sent to the employee.
- 2.22 **Employment protection and rights**
- 2.23 Shared Parental Leave Regulations give additional redundancy protection; the right to return to work after the leave; and protection from being subject to a detriment or being dismissed for taking or seeking to take shared parental leave.
- 2.24 During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue. This means that all other benefits will remain in place, including annual leave accrual and employer pension contributions.
- 2.25 **Pay**
- 2.26 The Red Cross enhances shared parental leave pay in line with our enhanced maternity / adoption pay.

- 2.27 The number of weeks' shared parental pay available to eligible employees will depend on how much maternity / adoption pay the mother / adopter has already received.
- 2.28 As there is a compulsory maternity/ Adoption leave period of two weeks after the birth, this means that a mother/Adopter who end their maternity leave at the earliest opportunity could share up to 37 weeks' shared parental pay with their partner.
- 2.29 All employees who have 26 weeks continuous service up to the beginning of the 15th week before the expected week of childbirth (known as the qualifying week) or 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas), who meet the qualifying requirements for shared parental leave, whose partner meets the 'employment and earnings test' (see appendix 4) and have earned not less than the lower earnings limit in the eight weeks leading up to the qualifying week are entitled to shared parental pay, for the first 39 weeks of the leave.
- 2.30 The Red Cross enhances the statutory entitlement so that employees taking 37 weeks leave, commencing from week 3 for the mother or main adopter, can share:
- 2.31 100 per cent pay for up to six weeks of the shared parental leave. This is week 1 – 6 following the compulsory week 1 and week 2 of maternity/ Adoption leave.
- 2.32 Followed by 50 per cent pay plus lower rate statutory parental pay for up to 12 weeks (NB this cannot exceed normal full pay). Starting from week 7 until week 18.
- 2.33 Then the lower rate of statutory shared parental pay for up to 21 weeks, starting from week 19 – week 39.
- 2.34 This rate is set by the Government, or at 90% of the employee's average weekly earnings, if this figure is lower (see <https://www.gov.uk/adoption-pay-leave/pay> for current details).
- 2.35 For employees starting Maternity leave on or after the 1st April 2018 the Red Cross will further enhance the statutory entitlement if the employee has 52 weeks continuous service at the date on which maternity leave begins. They will receive:
- 2.36 100 per cent of regular pay for up to six weeks of the shared parental leave. This is week 1 – 6 following the compulsory week 1 and week 2 of maternity leave.
- 2.37 Followed by 50 per cent regular pay plus lower rate statutory shared parental pay for up to 12 weeks (NB this cannot exceed normal full pay). Starting from week 7 until week 18.

- 2.38 then either 50 per cent of regular pay or the lower rate of statutory shared parental pay, whichever is greater, for up to 21 weeks, starting from week 19 – week 39,
- 2.39 The 37 weeks shared parental leave pay entitlement must be shared between the parents.
- 2.40 Where Shared Parental leave is taken part way through the total 52 weeks of Maternity Leave and Shared Parental Leave, the pay entitlement will deduct the number of weeks already taken by both parents. Please see Appendix 3 for examples.
- 2.41 Statutory and enhanced shared parental pay is paid in the normal way at the usual pay intervals and is subject to tax and National Insurance deductions.
- 2.42 The employee must inform the Red Cross if he/she starts work for another employer, or is taken into legal custody. In these instances, entitlement to shared parental pay from the Red Cross is likely to cease.
- 2.43 **Shared parental leave in touch (SPLIT) days**
- 2.44 It is useful to maintain reasonable contact with employees during shared parental leave. SPLIT days may be used to discuss plans for their return to work, update them on developments at work during their absence, any training activity, any work done under the contract of employment, or any other activity aimed at keeping in touch.
- 2.45 Employees may work up to 20 SPLIT days during their shared parental leave without bringing it to an end. These should not be confused with the ten keeping in touch (KIT) days that a mother / adopter has during her maternity / adoption leave, which are separate and additional.
- 2.46 NB once someone returns from maternity / adoption leave, in order to take shared parental leave, they would then only be able to take SPLIT days and the right to any untaken KIT days would be lost.
- 2.47 Any work or training carried out on a day constitutes one day's work and should be paid at the employee's usual rate of pay as and when they are worked.
- 2.48 Employees cannot insist on being able to carry out work and the organisation cannot require employees to carry out work during shared parental leave.
- 2.49 Line managers should inform the P&L Advice and Support Team of KIT/SPLIT days when they are taken, so they can be logged for payment in the next available payroll.
- 2.50 **Returning to work**
- 2.51 Employees have the right to return to the same role 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.

2.52 However, if the period of leave totals more than 26 weeks and it is not reasonably practical to allow the employee to return to the same role, the organisation will look for suitable alternative roles, on terms and conditions which are not less favourable than would have applied if the employee had not been absent.

3 **Key people**

- > **Employees:** to ensure they inform the British Red Cross using correct procedure, taking responsibility for their health and wellbeing.
- > **Line Manager:** Maintaining contact with employee during the leave period and facilitating return to work.
- > **SSC:** recording of absences on SAVi,
- > **Payroll:** processing of Shared Parental Leave pay
- > **P&L Advice and Casework team:** advice on support available to employees and managers regarding eligibility and process.
- > **Workforce Policy Adviser:** responsible for maintain and updating this procedure where necessary.

4 **Laws and Regulations**

Children and Families Act 2014

Shared Parental Leave Regulations 2014 (SI 2014/3050)

Statutory Shared Parental Pay (General) Regulations 2014 (SI 2014/3051)

Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave)

Regulations 2014 (SI 2014/3052) and Statutory Maternity Pay Statutory Adoption Pay (Curtailment) Regulations 2014

5 **Review and maintenance**

5.1 This procedure will be reviewed every three years or as and when required to reflect any legislative change or good practice developments.

6 **Appendices**

6.1 **Appendix 1: related documents**

6.2 **Appendix 2: document provenance**

6.3 **Appendix 3 : Case examples**

6.4 **Appendix 4 - Eligibility requirements**

6.5 **Appendix 5 – Notice requirements:**

- a) Notice required from mother / adopter
- b) Employee's notice of entitlement and intention
- c) Variation or cancellation of notice of entitlement and intention
- d) Revocation of maternity / adoption leave curtailment notice
- e) Variation or cancellation of period of leave notice

Appendix 1: related documents

Document title	Relationship to this policy
Fundamental Principles of the International Red Cross and Red Crescent Movement	Supporting documentation
HR Policy framework	Overarching policy

Appendix 2: document provenance

Date endorsed	Category	Summarise changes made	Reason for changes	Consulted	Changes endorsed by
June 2017	Interim update	Review date aligned with related leave procedures.	Update	N/A	N/A
December 2017	Interim update	Updated to align with new HR Policy Framework and corporate procedure template	Introduction of new HR Policy framework	Corporate Policy Manager	Head of P&L Expert Services
June 2018	Scheduled update	Update to reflect new enhanced Shared parental pay benefits Staff with at least one year's service at the date on which maternity leave begins will be entitled to Occupational Maternity Pay, as follows: •6 weeks at full pay •12 weeks at half pay plus SMP	Change in procedure	P&L Directorate Staff Association DMTs ELT	ELT

		<ul style="list-style-type: none"> •21 weeks at half pay or SMP, whichever is the greater. Staff who do not have the qualifying service but are eligible for SMP will be entitled to the current level of Occupational Maternity Pay, as follows: •6 weeks at full pay •12 weeks at half pay plus SMP •21 weeks at SMP 			
March 2019	Interim update	Clarification of eligibility rules for adoptive parents	Clarification of rules	N/A	N/A
July 2019	Interim update	Clarification on ability for partner to start Shared Parental leave while Mother/main adopter is still on Maternity/adoption leave	Clarification of rules	N/A	N/A
August 2020	Interim update	Pushed back review date to February 2020 in line with updated review schedule	Update of review date	Expert Services Corporate Governance	Head of P&L Expert Services

Appendix 3- Case examples

Case 1

Mother is a BRC Employee 7 weeks overlapping SPL

The mother is starting her Maternity Leave 2 weeks before the baby arrives; she takes 2 weeks compulsory maternity leave after child birth.

The mother and her partner would like to start shared parental leave from week 5 and they will share 7 weeks leave and pay. Below is a breakdown of their leave and pay entitlement.

Leave and pay entitlements

Maternity Leave = 4 weeks

Maternity pay = 4 weeks

At the beginning of week 5

Mother

No of weeks leave remaining to share: **48 weeks**

No of weeks' pay remaining to share: **35 weeks**

Partner:

Shared Parental Leave: 7 weeks starting at week 5

Partner's pay entitlement = 7 weeks at **their company rate**

At the beginning of week 12

Mother:

Remaining Shared parental leave: **34 weeks**

Remaining shared parental pay: **21 weeks**

Week No	Leave Type	BRC pay Entitlement (BRC staff member)	Pay Entitlement (partner)	Week No	Leave Type	BRC pay Entitlement (BRC staff member)	Pay Entitlement (partner)
1	Mat Leave	Mat Pay (100%)		30	SPL M only	ShPP or 50% salary	
2	Mat Leave	Mat Pay (100%)		31	SPL M only	ShPP or 50% salary	
3	Mat Leave compulsory	Mat Pay (100%)	Paternity Leave – at partners organisations rate	32	SPL M only	End of ShPP pay	
4	Mat Leave compulsory	Mat Pay (100%)	Paternity leave at partners organisations rate	33	SPL M only		
5	SPL M and P	Mat Pay (100%)	Paid at partner's organisation rate	34	SPL M only		
6	SPL M and P	Mat Pay (100%)	Paid at partner's organisation rate	35	SPL M only		
7	SPL M and P	ShPP (50% + SMP)	Paid at partner's organisation rate	36	SPL M only		
8	SPL M and P	ShPP (50% + SMP)	Paid at partner's organisation rate	37	SPL M only		
9	SPL M only	ShPP (50% + SMP)	Paid at partner's organisation rate	38	SPL M only		
10	SPL M only	ShPP (50% + SMP)	Paid at partner's organisation rate	39	SPL M only		
11	SPL M only	ShPP (50% + SMP)	Paid at partner's organisation rate	40	SPL M only		
12	SPL M only	ShPP (50% + SMP)		41	SPL M only		
13	SPL M only	ShPP (50% + SMP)		42	SPL M only		
14	SPL M only	ShPP (50% + SMP)		43	SPL M only		
15	SPL M only	ShPP (50% + SMP)		44	SPL M only		
16	SPL M only	ShPP (50% + SMP)		45	SPL M only	End of SPL	
17	SPL M only	ShPP (50% + SMP)		46			
18	SPL M only	ShPP (50% + SMP)		47			
19	SPL M only	ShPP or 50% salary		48			
20	SPL M only	ShPP or 50% salary		49			
21	SPL M only	ShPP or 50% salary		50			
22	SPL M only	ShPP or 50% salary		51			
23	SPL M only	ShPP or 50% salary		52			
24	SPL M only	ShPP or 50% salary					
25	SPL M only	ShPP or 50% salary					
26	SPL M only	ShPP or 50% salary					
27	SPL M only	ShPP or 50% salary					
28	SPL M only	ShPP or 50% salary					
29	SPL M only	ShPP or 50% salary					

Case 2

Partner is BRC employee with overlapping leave

The baby's mother works for another organisation and is starting her Maternity Leave 2 weeks before the baby is born. She takes 4 more weeks' maternity leave after child birth, of which 2 are compulsory, at the same time, following the birth of the baby; the partner takes two weeks paternity leave.

They would like the shared parental leave to start from week 7, and the partner has requested to take 15 weeks leave (they will both be on leave for 10 weeks and then the partner will take a further 5 weeks on their own while the mother returns to work). Below is a breakdown of their leave and pay entitlement.

Leave and pay entitlement

Maternity Leave = 6 weeks

Maternity pay = 6 weeks @ other company rate

At the beginning of week 7

No of weeks leave remaining to share: **46 weeks**

No of weeks' pay remaining to share: **33 weeks**

Mother:

Shared Parental Leave: 10 weeks

Pay entitlement: 10 weeks ShPP and 5 weeks salary

Partner BRC employee:

Shared Parental Leave: 15 weeks

Pay entitlement = 2 weeks paternity leave + 15 weeks ShPP

At the beginning of week 22

Mother:

Mothers remaining Shared parental leave: **21 weeks**

Mothers remaining shared parental pay: **8 weeks ShPP**

Week No	Leave Type	Pay Entitlement PARTNER (BRC staff member)	Pay Entitlement MOTHER	Week No	Leave Type	Pay Entitlement PARTNER (BRC staff member)	Pay Entitlement MOTHER
1	Mat Leave			30	SPL M only		
2	Mat Leave			31	SPL M only		
3	Mat Leave (compulsory)			32	SPL M only		
4	Mat Leave (compulsory)			33	SPL M only		
5	Mat Leave	Paternity leave		34	SPL M only		
6	Mat Leave	Paternity leave		35	SPL M only		
7	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	36	SPL M only		
8	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	37	SPL M only		
9	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	38	SPL M only		
10	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	39	SPL M only		
11	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	40	SPL M only		
12	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	41	SPL M only		
13	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	42	SPL M only	End of eligible SPL	End of eligible SPL
14	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	43			
15	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	44			
16	SPL M and P	SPL Pay (50% + ShPP)	Paid at mother's organisation rate	45			
17	SPL P only	SPL Pay (50% + ShPP)	Work	46			
18	SPL P only	SPL Pay (50% + ShPP)	Work	47			
19	SPL P only	ShPP or 50% salary	Work	48			
20	SPL P only	ShPP or 50% salary	Work	49			
21	SPL P only	ShPP or 50% salary	Work	50			
22	SPL M only		Paid at mother's organisation rate	51			
23	SPL M only		Paid at mother's organisation rate	52			
24	SPL M only		Paid at mother's organisation rate				
25	SPL M only		Paid at mother's organisation rate				
26	SPL M only		Paid at mother's organisation rate				
27	SPL M only		Paid at mother's organisation rate				
28	SPL M only		Paid at mother's organisation rate				
29	SPL M only	End of eligible ShPP pay	End of eligible ShPP pay				



Case 3

Both parents are BRC employees with overlapping leave

The mother and is starting her Maternity Leave 1 week before the baby is born. She takes 10 more weeks' maternity leave after child birth, of which 2 are compulsory, at the same time, following the birth of the baby; the partner takes two weeks paternity leave.

They would like to take the shared parental leave in two blocks, the first starting at week 12 for 5 weeks, and the second at week 22 for 5 weeks. They will both be on leave for 10 weeks Below is a breakdown of their leave and pay entitlement.

Leave and pay entitlement

Maternity Leave = 11 weeks

Maternity pay = 11 weeks

At the beginning of week 12

No of weeks leave remaining to share: **41 weeks**

No of weeks' pay remaining to share: **28 weeks**

Mother:

Shared Parental Leave: 15 weeks

Pay entitlement = 15 Weeks ShPP

Partner

Shared Parental Leave: 10 weeks

Pay entitlement = 10 Weeks ShPP

At the beginning of week 27

Mother:

Mothers remaining Shared parental leave: **16 weeks**

Mothers remaining shared parental pay: **3 weeks SMP or 50% salary**

Week No	Leave Type	Pay Entitlement mother (BRC staff member)	Pay Entitlement Partner (BRC staff member)	Week No	Leave Type	Pay Entitlement mother (BRC staff member)	Pay Entitlement Partner (BRC staff member)
1	Mat Leave	Mat Pay (100%)		30	SPL M only		
2	Mat Leave (compulsory)	Mat Pay (100%)	Paternity leave	31	SPL M only		
3	Mat Leave (compulsory)	Mat Pay (100%)	Paternity leave	32	SPL M only		
4	Mat Leave	Mat Pay (100%)		33	SPL M only		
5	Mat Leave	Mat Pay (100%)		34	SPL M only		
6	Mat Leave	Mat Pay (100%)		35	SPL M only		
7	Mat Leave	Mat Pay (50% + SMP)		36	SPL M only		
8	Mat Leave	Mat Pay (50% + SMP)		37	SPL M only		
9	Mat Leave	Mat Pay (50% + SMP)		38	SPL M only		
10	Mat Leave	Mat Pay (50% + SMP)		39	SPL M only		
11	Mat Leave	Mat Pay (50% + SMP)		40	SPL M only		
12	SPL M and P	SPL Pay (50% + ShPP)	SPL Pay (50% + ShPP)	41	SPL M only		
13	SPL M and P	SPL Pay (50% + ShPP)	SPL Pay (50% + ShPP)	42	SPL M only	End of eligible SPL	End of eligible SPL
14	SPL M and P	SPL Pay (50% + ShPP)	SPL Pay (50% + ShPP)	43			
15	SPL M and P	SPL Pay (50% + ShPP)	SPL Pay (50% + ShPP)	44			
16	SPL M and P	SPL Pay (50% + ShPP)	SPL Pay (50% + ShPP)	45			
17	SPL P only	SPL Pay (50% + ShPP)	Work	46			
18	SPL P only	SPL Pay (50% + ShPP)	Work	47			
19	SPL P only	ShPP or 50% salary	Work	48			
20	SPL P only	ShPP or 50% salary	Work	49			
21	SPL P only	ShPP or 50% salary	Work	50			
22	SPL M only	ShPP or 50% salary	ShPP or 50% salary	51			
23	SPL M only	ShPP or 50% salary	ShPP or 50% salary	52			
24	SPL M only	ShPP or 50% salary	ShPP or 50% salary				
25	SPL M only	ShPP or 50% salary	ShPP or 50% salary				
26	SPL M only	ShPP or 50% salary	ShPP or 50% salary				
27	SPL M only	ShPP or 50% salary					
28	SPL M only	ShPP or 50% salary					
29	SPL M only	End of eligible SP pay					

Appendix 4 – Eligibility requirements

For employees to be eligible to take shared parental leave, they must meet certain eligibility requirements outlined below:

A mother / adopter (employee) is eligible if they:

- > have 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 they take or in the case of adoption 26 weeks' continuous employment by the end of the week in which the adopter is notified of having been matched for adoption with the child (or by the end of the week in which they receive official notification in relation to an adoption from overseas)
- > have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child
- > is entitled to statutory maternity / adoption leave in respect of the child
- > complies with the relevant maternity / adoption leave curtailment requirements (or has returned to work before the end of statutory maternity / adoption leave), and shared parental leave notice and evidence requirements (see appendix 5 for further information)

In addition, for the mother / adopter to be eligible, 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 or immediately preceding the week in which the adopter is notified of having been matched for adoption with the child.
- > have average weekly earnings of at least the maternity / adoption allowance threshold (see [www.gov.uk/maternity / adoption-allowance/eligibility](http://www.gov.uk/maternity/adoption-allowance/eligibility) for current threshold) for any 13 of those 66 weeks (employment and earnings test)
- > have, at the date of the child's birth or placement, the main responsibility, apart from the mother / adopter, for the care of the child

The partner (employee) is eligible if they:

- > have 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 taken
- > have, at the date of the child's birth or placement, the main responsibility, apart from the mother / adopter, for the care of the child
- > comply with the relevant shared parental leave notice and evidence requirements

In addition, for the partner to be eligible, the mother / adopter 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 / adoption allowance threshold (see [www.gov.uk/maternity / adoption-allowance/eligibility](http://www.gov.uk/maternity/adoption-allowance/eligibility) for current threshold) for any 13 of those 66 weeks (employment and earnings test)
- > have, at the date of the child's birth or placement, the main responsibility, apart from the partner, for the care of the child
- > be entitled to statutory maternity / adoption leave, statutory maternity / adoption pay or maternity / adoption allowance in respect of the child
- > comply with the relevant maternity / adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity / adoption leave)

Appendix 5 - Notice requirements

a) Notice required from mother / adopter

Before a mother / adopter can take shared parental leave, they must either return to work before the end of her maternity / adoption leave (by giving the required eight weeks' notice) or by filling in a **leave curtailment notice** form.

The maternity / adoption leave curtailment notice must state the date on which maternity / adoption leave is to end. That date must be:

- > after the compulsory maternity / adoption leave period (two weeks) after birth
- > at least eight weeks after the date on which the curtailment notice was submitted
- > at least one week before what would be the end of the additional maternity / adoption leave period

b) Employee's notice of entitlement and intention

In addition to the curtailment notice the employee must provide the organisation with a **Shared Parental leave request form**, this is a non-binding notice of entitlement and intention. This must be provided at least eight weeks before the start date of the first period of shared parental leave and must set out the following information.

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

- > mother / adopter's name
- > partner's name
- > start and end dates of any statutory maternity / adoption leave taken or to be taken by the mother / adopter
- > total amount of shared parental leave available

- > child's expected week of birth (and date of birth as soon as reasonably practicable after birth but before the first period of shared parental leave to be taken by the mother / adopter)
- > how much shared parental leave the mother / adopter and partner each intend to take
- > 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 / adopter'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
- > she will immediately inform the organisation if she ceases to care for the child

In addition, the mother / adopter'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
- > declaring that the partner is the father of the child, or is married to, the civil partner of, or the partner of, the mother / adopter
- > declaring that the partner consents to the amount of leave that the mother / adopter intends to take
- > declaring that the partner consents to the mother / adopter'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:

- > partner's name
- > mother / adopter's name
- > start and end dates of any periods of statutory maternity / adoption leave, statutory maternity / adoption pay or maternity / adoption allowance taken or to be taken by the mother / adopter
- > total amount of shared parental leave available
- > child's expected week of birth (child's date of birth as soon as reasonably practicable after birth, but before the first period of shared parental leave to be taken by the partner)

- > how much shared parental leave the partner and mother / adopter each intend to take
- > 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
- > he/she will immediately inform the organisation if he/she ceases to care for the child or if the mother / adopter informs him/her that she no longer meets the requirement to have curtailed her maternity / adoption leave or pay period
- > In addition, the partner's notice of entitlement and intention must include a declaration signed by the mother / adopter:
 - > specifying the mother / adopter's name, address, and national insurance number (or declaring that the mother / adopter does not have a national insurance number)
 - > declaring that the mother / adopter 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 / adoption leave, statutory maternity / adoption pay or maternity / adoption allowance;
 - > declaring that the mother / adopter 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 / adoption leave or pay period; and
 - > declaring that the mother / adopter consents to the partner's employer processing the information in the mother / adopter's declaration

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

- > copy of the child's birth certificate (within 14 days of the birth, or 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)
- > the name and address of the other parent's employer (or a declaration that the other parent has no employer)

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

c) Variation or cancellation of notice of entitlement and intention

Employees can vary or cancel proposed shared parental leave dates, following the submission of a notice of entitlement and intention, by giving written notice. The written notice should 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
- > a declaration signed by the mother / adopter 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.

d) Revocation of maternity / adoption leave curtailment notice

The mother / adopter can withdraw notice curtailing her maternity / adoption leave in writing giving eight weeks' notice if she has not yet returned to work. The mother / adopter can withdraw the curtailment notice if:

- > it is discovered that neither the mother / adopter nor the partner are entitled to shared parental leave or statutory shared parental pay
- > notice was given before the birth of the child and the mother / adopter withdraws the notice within six weeks of the child's birth
- > the partner has died

e) Variation or cancellation of period of leave notice

Employees can vary or cancel proposed shared parental leave dates by giving at least eight weeks written notice. The notice can:

- > vary the start or the end date
- > cancel a request
- > request that a continuous period become discontinuous periods of leave