

DEMAT Shared Parental Leave and Pay (Birth) Policy and Procedure

In the development of this policy consideration has been given to Equality and Diversity and Data Protection.

Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers, contractors.

Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

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Date approved by the DEMAT Personnel Committee	1	May 2019
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For all questions in relation to this policy please contact the DEMAT HR Team on 01353 656760 or email: hrteam@demat.org.uk

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About this policy

This policy outlines the arrangements for Shared Parental Leave and pay in relation to the birth of a child. If you are adopting a child, please refer to the Shared Parental Leave (Adoption) Policy.

This policy applies to all DEMAT employees. It does not apply to agency workers or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it at any time, in consultation with the recognised trade unions.

Frequently used terms

The definitions in this paragraph apply in this policy.

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

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

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

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

What is Shared Parental Leave?

Shared Parental Leave (SPL) is a form of leave that may be available if your child is expected to be born on or after 5 April 2015.

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

Entitlement to SPL

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

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

you are the child's father and share the main responsibility for the care of the child with the child's mother; or

you are the mother's partner and share the main responsibility for the care of the child with the mother (where the child's father does not share the main responsibility with the mother).

The following conditions must also be fulfilled:

you must have at least 26 weeks' continuous employment with us by the end of the Qualifying Week, and still be employed by us in the week before the leave is to be taken;

the other parent must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the EWC and had average weekly earnings as indicated in the regulations; and

you and the other parent must provide the respective employers with the necessary statutory notices and declarations as summarised below, including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods.

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

If you are the mother you cannot start SPL until after the compulsory maternity leave period, which lasts until two weeks after the birth.

Opting in to Shared Parental Leave and Pay

No less than eight weeks before the date you intend your SPL to start, you must give us a written Notice to Opt-In to Shared Parental Leave scheme (Appendix A) which includes:

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

- an indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave (see paragraphs 9, 10, 11 and 12 for information on taking leave). This indication will not be binding at this stage, but please give as much information as you can about your future intentions; and
- declarations by you and the other parent that you both meet the statutory conditions for entitlement to SPL and ShPP (see Appendix A - Birth).

Ending Maternity Leave

If you are the child's mother and want to opt-in to the SPL scheme, you must give us at least eight weeks' written notice to end your maternity leave early (a curtailment notice) (see Appendix B – Birth)) before you can take SPL. The notice must state the date your maternity leave will end. You can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth.

You must also give us, at the same time as the curtailment notice a Notice to Opt-in to Shared Parental Leave scheme (Appendix A) (see paragraph 5) or a written declaration that the child's father or your partner has given their employer an opt-in notice and that you have given the necessary declarations in that notice.

The other parent may be eligible to take SPL from their employer before your maternity leave ends, provided you have given the curtailment notice.

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

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

Once you revoke a curtailment notice you cannot submit a second curtailment notice, unless the revocation was given in the circumstances in paragraph b)2).

Ending your partner's Maternity Leave or Pay

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

- returned to work;
- given her employer a curtailment notice to end her maternity leave;
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or

- given the benefits office an ending maternity leave early (curtailment notice) to end her MA (if she is not entitled to maternity leave or SMP).

Evidence of Entitlement

You must also provide on request:

- A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); and
- The name and address of the other parent's employer (or a declaration that they are self-employed).

Discussions regarding Shared Parental Leave

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

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

Upon receiving a Notice to Opt – In to the Shared Parental Leave scheme form (Appendix A – Birth), we will usually arrange a meeting to discuss it. Where a notice is for a single period of continuous leave (a period of a number of weeks taken in a single unbroken period of leave), or for discontinuous leave (where you intend to return to work between periods of leave) and it can be approved without further discussion, a meeting may not be necessary.

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

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

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

Booking your SPL dates

Having opted into the SPL scheme you will need to give Notice of Dates for Shared Parental Leave (see Appendix C – Birth) informing us the start and end dates of your leave. This can be given at the same time as your Opt-In notice (Appendix A), or it can be given later, provided the notice is given at least eight weeks before the start of your leave. You must also state in your Notice of Dates for Shared Parental Leave the dates on which you intend to claim shared parental pay (ShPP), if applicable.

If your Notice of Dates for Shared Parental Leave (see Appendix C - Birth) gives dates for a single period of continuous leave of SPL you will be entitled to take the leave set out in the notice.

You can submit up to three Notices of Dates for Shared Parental Leave (Appendix C - Birth). This may enable you to take up to three separate blocks of SPL (although if you give a notice to vary or cancel a period of leave this will in most cases count as a further Notice of Dates for SPL (Appendix C – Birth)).

Procedure for requesting discontinuous periods of SPL

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

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

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

Changing the dates or cancelling your SPL

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the Notice of Dates for Shared Parental Leave (see Appendix C - Birth).

You can change the start date for a period of leave, or the length of the period of leave, by notifying us in writing at least eight weeks before the original start date or the new start date, whichever is earlier.

You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the EWC, where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.

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

You can change split periods of leave into a single continuous period of leave by notifying us in writing at least eight weeks before the start date of the first period, or in writing at least eight weeks before the original end date if the leave has already commenced.

You can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. We will consider any such request as set out in paragraph 11.

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

- A Notice of Dates for Shared Parental Leave (see Appendix C) requesting a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given;
- The variation is a result of your child being born earlier or later than the EWC;
- The variation is at our request; or
- We agree otherwise.

Shared Parental Pay (ShPP)

ShPP is payable for a maximum of 37 weeks over a period of 52 weeks following the birth of the child, as 2 weeks Statutory Maternity Pay (SMP) or Maternity Allowance (MA) must be taken immediately after the birth.

You may be able to claim ShPP if you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week and your average earnings are not less than the lower earnings limit set by the government each tax year.

ShPP is paid at a rate set by the government each year.

Other terms during Shared Parental Leave

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

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

Keeping in touch

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

You may ask or be asked to work (including attending training) on up to 20 'shared parental leave in touch' days (SPLIT days) during your SPL. This is in addition to any 'keeping in touch' days (KIT days) that you may have taken during maternity leave. KIT/SPLIT days are not compulsory and must be discussed and agreed with us. Any SPLIT days worked do not extend the period of SPL.

You will be paid at your normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any shared parental pay entitlement.

Returning to work

If you want to end a period of SPL early, you must give us eight weeks written notice of the new return date. This should be addressed to the Headteacher. If you have already given us three Notices of Dates for Shared Parental Leave (see Appendix C - Birth) requesting that a discontinuous period of SPL is withdrawn by you on or before the fifteenth day after the notice was given, you will not be able to end your SPL early without our agreement.

If you want to extend your SPL, assuming you still have unused SPL entitlement remaining, you must submit a new 'Notice of Dates for Shared Parental Leave' (see Appendix C) at least eight weeks before the date you were due to return to work. If you have already submitted notices you will not be able to extend your SPL without our agreement. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to our need for you to be at work

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

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

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

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

Appendix A: Notice to Opt-In to Shared Parental Leave (Birth)

Use this form to opt in to the shared parental leave scheme following the birth of a child. A separate form is available for adoptive parents. Please see our Shared Parental Leave Policy for more information.

If you are the child's mother, you must also submit a signed **Notice to End Maternity Leave Early (Curtailment Notice)** (Appendix B) to bring your maternity leave entitlement to an end. Please discuss this form, in particular, the dates in sections B and C, with your Line Manager before completing it.

Section A: Basic Information

Guidance notes. Shared parental leave may be shared between a child's mother and either the child's father or the person who, at the date of the child's birth, is her partner. Both parties must expect to share the main responsibility for the child's upbringing. 'Partner' means the mother's spouse, civil partner, or other person living with her in an enduring family relationship, but who is not her sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

A1	Employee's name:	
A2	Please state whether you are: the child's mother the child's father the mother's partner	
A3	Child's expected week of birth:	
A4	Child's actual date of birth (if known):	
A5	Child's place of birth (if known):	

Section B: Maternity Leave, Statutory Maternity Pay or Maternity Allowance

Guidance notes. If you are the mother, please give your maternity leave (ML) dates below. If you are still on ML you must also submit an Ending Maternity Leave Early (curtailment notice) to bring your ML to an end. If you are the child's father or the mother's partner, please give the mother's ML dates. If she is not entitled to statutory ML (for example, because she is an agency worker, self-employed or unemployed), give the dates she started and ended (or will end) her statutory maternity pay (SMP) or maternity allowance (MA) period as applicable. She must give her employer notice to curtail her ML or SMP period or give notice to the Department for Work and Pensions to curtail her MA period as appropriate.

B1	ML / SMP / MA start date:	
B2	ML / SMP / MA end date:	
B3	Total ML / SMP / MA (weeks):	

Section C: Shared Parental Leave

Guidance notes. The total shared parental leave (SPL) available is 52 weeks minus the mother's compulsory ML, SMP, or MA period (see B3).

The first period of shared parental leave cannot start until at least two weeks after the child is born and at least eight weeks after you submit this opt-in notice.

C1	Total SPL available (whole weeks):	
C2	Number of whole weeks' SPL intended to be taken by you:	
C3	Number of whole weeks' SPL intended to be taken by the person you will share SPL with:	
C4	Indication of dates you would like to take shared parental leave:	

C5	<p>The dates in C4 will be treated as a non-binding until a period of leave notice is given:</p>	
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Section D: Statutory Shared Parental Pay (ShPP)

Guidance notes. The total statutory shared parental pay (ShPP) available is 39 weeks minus the mother's SMP or MA period (see B3), over a period of 52 weeks following the birth.

D1	<p>Total ShPP available (whole weeks):</p>	
D2	<p>Number of whole weeks' ShPP intended to be taken by child's mother:</p>	
D3	<p>Number of whole weeks' ShPP intended to be taken by child's father/mother's partner:</p>	
D4	<p>Indication of dates you would like to take ShPP:</p>	
D5	<p>The dates in D4 will be treated as non-binding until a notice to take ShPP is given. (Appendix A - Birth)</p> <p>If you want to treat this notice as a notice to take ShPP on the dates given in D4 tick here.</p>	

Section E: Employee's Declaration

Guidance notes. 'Child' means the child referred to in Section A. 'Partner' means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Please tick as appropriate

	I am the child's mother and I am entitled to statutory ML. I have submitted an Ending Maternity Leave Early (Curtailment Notice) (Appendix B – Birth) (or will submit it before the person I am sharing SPL with takes SPL and at least eight weeks before the first date on which I intend to take SPL).
	Or I am the child's father or the child's mother's partner.
	I had at least 26 weeks' continuous employment at the end of the 15th week before the expected week of childbirth (EWC) and have remained continuously employed since then.
	My normal weekly earnings in the eight-week period ending with the 15th week before the EWC were not less than the lower earnings limit as indicated in the regulations.
	I expect to share the main responsibility for the care of the child with the person who has completed Section F.
	I intend to care for the child during each week that I am on shared parental leave and receiving ShPP.
	I will immediately inform my line manager if I cease to care for the child, or to otherwise satisfy the conditions for entitlement to shared parental leave or ShPP.

The information I have given in this notice is accurate.

Signed:	
Print name:	
Date:	

Section F: Declaration by person taking Shared Parental Leave with Employee

Guidance notes. ‘The employee’ and ‘the child’ are the employee and child referred to in Section A.

If the employee is the child's mother, you must be the child's father or the mother's partner. If the employee is not the child's mother, you must be the child's mother. ‘Partner’ means spouse, civil partner, or other person living with you in an enduring family relationship, but not a sibling, parent, child, grandparent, grandchild, aunt, uncle, niece or nephew.

Name:	
Address:	
National Insurance number:	
Your employer's name and address (if employed) or your business address if self-employed.	

Please tick as appropriate

	I am the mother of the child and I am (or was) entitled to ML, SMP or MA. I have curtailed my ML, SMP or MA, or will have done so by the time your employee starts shared parental leave.
	Or I am the child's father.
	Or I am the partner of the child's mother.
	I expect to share the main responsibility for the care of the child with your employee.
	I have worked in an employed or self-employed capacity in at least 26 of the 66 weeks immediately before the EWC.

	My average weekly earnings are at least the current regulatory amount, taking the 13 highest-earning weeks in the 66 weeks immediately before the EWC.
	I consent to your employee taking shared parental leave and claiming ShPP as set out in this notice and will immediately inform them if I cease to satisfy any of the conditions in this declaration.

I consent to the information in this declaration being used for the purposes of administering shared parental leave and pay.

Signed:	
Print name:	
Date:	

Appendix B: Ending Maternity Leave Early (Curtailement Notice) – Birth

I wish my ordinary/additional maternity leave period to end early on:

Date: _____ ('the Maternity Leave Curtailement Date').

I confirm that the above date is (please tick):

At least 1 day after the end of the compulsory maternity leave period (2 weeks after the birth of my child);	
At least 8 weeks after the date on which I signed and dated this Ending Maternity Leave Early (Curtailement Notice) and provided a copy to my Employer;	
I confirm that the Maternity Leave Curtailement Date is at least 1 week before the last day of my additional maternity leave period.	
I understand that if this Ending Maternity Leave Early (Curtailement Notice) is submitted to my line manager after the birth of my child/children it is binding (see paragraph 6.4 of the Shared Parental Leave policy).	
I understand that if this Ending Maternity Leave Early (Curtailement Notice) is binding and cannot be revoked (subject to limited circumstances as outlined in paragraph 6.4 of the Shared Parental Leave policy).	

I confirm that a copy of this **Ending Maternity Leave Early** (Curtailement Notice) has been provided to my Line Manager:

Line Manager:	
Signed:	
Print Name:	
Date:	

Appendix C: Notice of Dates for Shared Parental Leave – Birth

I understand that I may not request SPL with a start or end date which is outside the period in which SPL may be taken. This is within the period which begins on the date my child is born and ends the day before my child's first birthday. (If dates are requested prior to the birth of your child then you may include a start date which is expressed to be on the day on which your child is born, or a number of days following your child's birth, or the form may contain an end date expressed as a number of days following the date of the child's birth).

I understand that SPL must be taken in multiples of complete weeks, as one continuous period or up to three discontinuous periods. The minimum period of SPL which may be taken is one week.

I understand that I may give a total of three **Notice of Dates for Shared Parental Leave**, (including variation notices). The following notices do not count towards the three permitted notices:

- A Notice of Dates for Shared Parental Leave requesting discontinuous period for SPL which is withdrawn by me on or before fifteenth day after the notice was given.
- A variation notice given as the result of my child being born earlier or later than the expected week of confinement.
- A variation notice given in response to a request from the school that I vary a period of leave.
- Where we agree otherwise.

I confirm that I would like to take shared parental leave (SPL) and the date(s) requested are:

Start Date	End Date

Please tick A or B

A I intend to claim shared parental leave pay for these dates.

B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

A I intend to claim shared parental leave pay for these dates.

B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

A I intend to claim shared parental leave pay for these dates.

B I do not intend to claim shared parental leave pay for these dates.

Start Date	End Date

Please tick A or B

A I confirm that **Notice to Opt-In to Shared Parental Leave** (Appendix A) accompanies this form.

B I confirm that I have already presented a **Notice to Opt-In to Shared Parental Leave** (Appendix A) to my Line Manager.

Signed:	
Print name:	
Dated:	

School use only

Received by:	
Name:	
Job Title	
Date:	

Appendix D: Shared Parental Leave - The Process

