

# Maternity, Paternity and Adoption Leave Procedure

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# Maternity, Paternity and Adoption Leave Procedure

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# Maternity, Paternity and Adoption Leave Procedure

## Introduction

This procedure sets out the rights and responsibilities of employees who are pregnant or wish to adopt a child and provides details of the arrangements for antenatal care, pregnancy-related illness and leave and pay.

## Purpose

The purpose of this procedure is to set out the process for applying for maternity, paternity, adoption leave and how staff can explore transferring their entitlements to a spouse or partner.

## Scope

This procedure applies to all staff employed by the Tavistock and Portman NHS Foundation Trust.

## Definitions

<b>EDC</b>	Expected date of childbirth
<b>EWC</b>	Expected week of childbirth means the week, starting on a Sunday, during which the employee's doctor or midwife expects a baby to be born
<b>MAT B1</b>	Maternity certificate confirming expected date of childbirth (available from GP or midwife around 20 <sup>th</sup> week of pregnancy)
<b>OMP</b>	Occupational Maternity Pay (paid by Trust)
<b>SMP</b>	Statutory Maternity Pay
<b>MA</b>	Maternity Allowance (paid by Dept of Work & Pensions)
<b>PL</b>	Paternity Leave (2 weeks)
<b>SPP</b>	Statutory Paternity Pay
<b>SC3</b>	'Becoming a Parent' form for paternity leave available from the HMRC

Website: <http://www.hmrc.gov.uk/>

<b>SC4</b>	'Becoming a adoptive parent' form for adoption leave available from the HMRC Website: <a href="http://www.hmrc.gov.uk/">http://www.hmrc.gov.uk/</a>
<b>OAP</b>	Occupational Adoption Pay (paid by the Trust)
<b>SAP</b>	Statutory Adoption Pay (paid by the Trust via Government)
<b>SPL</b>	Shared Parental Leave
<b>ShPP</b>	Shared Parental Leave Pay

## Duties and responsibilities

**Staff** who are expecting a child are required to understand this procedure and ensure that they inform their manager and human resources within the set timescales.

**Managers** are responsible for understanding what staff entitlements are and to conduct appropriate risk assessments where a member of staffs duties may have an impact on their pregnancy.

**Human resources advisers** will provide guidance and support about this procedure and will administer changes to staff's pay.

**Health and safety manager** will support managers to conduct a specialist risk assessment, where it is requested for.

## Procedures

### Maternity Leave

If you are expecting a child, a range of options are available to you in relation to your employment. The main decision you will have to take is whether or not you intend to return to work in the NHS after your baby is born.

Before making any decision it is important you read this procedure to help you decide what is right for you.

Once you have read this procedure, please complete the maternity leave application form (Appendix B) with an HR adviser, give a copy to your line manager, and keep one for your own records.

### **Eligibility**

You are entitled to take up to 52 weeks maternity leave, regardless of your length of service.

If you are working full-time or part-time you may be entitled to paid and unpaid maternity leave through the NHS occupational maternity scheme, to receive this you must:

- Have twelve months continuous service with one or more NHS employers at the beginning of the eleventh week before the expected week of childbirth;
- Notify Human Resources in writing before the end of the 15<sup>th</sup> week before the expected date of childbirth (or if this is not possible, as soon as is reasonably practicable) of your intention to take maternity leave. You should provide a MATB1 form from your midwife or doctor giving the expected date of the childbirth and advise:
  - the date you wish to start your maternity leave
  - that you intend to return to work with this Trust or another NHS employer for a minimum period of three months after your maternity leave has ended.

### **Maternity Leave Pay**

The amount of maternity leave and pay you are entitled to depends on your continuous NHS service and whether or not they wish to return. There are four types of pay entitlements, these are:

- A) If you have at least 52 weeks continuous NHS service (i.e. no break longer than 3 months) at eleven weeks before the expected date of delivery, and you intend to return to work, you are entitled to occupational maternity pay:
- 8 weeks leave on full pay;
  - 18 weeks leave on ½ pay plus statutory maternity pay receivable;
  - 13 weeks at the standard rate statutory maternity pay;
  - up to 13 weeks unpaid leave.
- B) If you have less than 52 weeks service at 11 weeks before expected date of delivery, but 26 or more weeks service by 15<sup>th</sup> week before expected delivery and you intend to return to work, you are entitled to statutory maternity pay:
- 39 weeks of statutory maternity pay
    - 6 weeks pay at 90% usual earnings or flat rate SMP per week if greater.
    - 33 weeks pay at flat rate SMP or 90% of average weekly earnings if this is less than flat rate SMP per week
  - 13 weeks unpaid leave
- C) If you have anything more than 26 weeks continuous service 15 weeks before but you do not intend to return to work:
- 39 weeks of statutory maternity pay
    - 6 weeks pay at 90% usual earnings or flat rate SMP per week if greater.
    - 33 weeks pay at flat rate SMP or 90% of average weekly earnings if this is less than flat rate SMP per week Plus 13 weeks unpaid leave

- D) If you do not qualify for any of the above, then you may be entitled to maternity allowance which you will need to apply for from the Job Centre.

### **Keeping in Touch**

Before going on leave, you should meet with your line manager to discuss and agree arrangements for keeping in touch during your maternity leave, including:

- any arrangements that you may find helpful to help you keep in touch with developments at work and, nearer the time of your return, to help facilitate your return to work;
- keeping your line manager and Human Resources aware of any developments that may affect your intended date of return.
- In addition, you may, in agreement with your manager, do up to 10 days work during maternity leave, for which you will be paid. These 'Keeping in Touch' days may be undertaken at any stage during maternity leave except during the first 2 weeks after the baby is born.

Your line manager should complete a change of contractual circumstances form for every KIT day you work. This to ensure you are paid for this time back at work.

### **Pregnancy Risk Assessments**

When you have let your manager know you intend to take maternity leave you should arrange a mutually convenient time to undertake a risk assessment. The pregnancy risk assessment form can be found in Appendix XXX of this procedure.

Where a more detailed and specialist risk assessment is needed you should contact the health and safety manager.

### **Commencement and Duration of Leave**

You may choose when to start your maternity leave, but this must not be earlier than the beginning of the 11<sup>th</sup> week before the week the baby is due. If your baby is born before you intended to start your maternity leave, you or your partner must inform Human Resources as soon as possible, giving the date of birth, and, if you have not already done so, the MATB1 certificate showing when the baby was originally expected.

If you are absent for pregnancy-related reasons after the beginning of the 4<sup>th</sup> week before the expected week of childbirth, then maternity leave will start.

The law requires that you take a minimum of two weeks maternity leave immediately following the birth.

### **Changing the Maternity Leave Start Date**

If you subsequently wish to change the date when you wish your maternity leave to start, you should notify your line manager and Human Resources at least 4 weeks beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

### **Sickness Prior to Childbirth**

If you become sick with a pregnancy-related illness during the last four weeks before the expected week of childbirth, maternity leave will normally commence at the beginning of the fourth week before the expected week of childbirth or the beginning of the next week after you last worked, whichever is the later. Absence prior to the last four weeks before the expected week of childbirth, supported by a medical statement of incapacity for work, or a self certificate, shall be treated as sick leave in accordance with normal sick leave provisions.

Odd days of pregnancy related illness during this period may be disregarded if you wish to continue working until the maternity leave start date.

### **Still Birth/Miscarriage**

Should you be unfortunate to have a still birth after 24 weeks of pregnancy you will be entitled to maternity leave/pay as if the baby had lived. You will need to provide a MATB1 certificate.

If you have a miscarriage before the 25<sup>th</sup> week of pregnancy, normal sick leave provisions will apply.

### **Early arrivals**

Maternity leave and pay will commence on the first day of absence after the date of childbirth subject to receipt of a MATB1 form as evidence of the date of both the expected date of birth and the actual date of birth. This document should be submitted within 28 days after the date of birth, or sooner if possible.

With the agreement of the Trust, if your confinement occurred prior to your 11 weeks before the expected date of childbirth and your baby is in hospital, you may choose to split your maternity leave entitlement, taking a minimum period of two week' immediately after childbirth and the rest of your leave following your baby's discharge from hospital.

### **Return to work**

If you intend to return to work at the end of your full maternity leave you will have agreed a return to work date with your manager. On the month that you return back to work your manager should complete a change of contractual circumstances form so that your full pay can be re-instated.

If you wish to return earlier than you first planned then you must give your manager at least eight weeks notice in writing.

If you cannot return to work at the end of your maternity leave because you are ill, you should notify your manager in line with your department's normal sickness absence procedure.

If you decide not to return to work from maternity leave at all, you must give the Trust notice of your resignation in accordance with the terms of your employment contract. You will, however, be required to pay back the whole of your maternity pay, less any statutory maternity pay, received.

### **Returning on Flexible Working Arrangements**

If you wish to change your working hours when you return from maternity leave you will need to follow the process set out in the flexible working procedure. You should make an application at least eight weeks before your return to work date.

### **Failure to return to work**

If you informed your manager that you will be returning to work at the Trust or for another NHS employer and fail to do so within 15 months of the beginning of your maternity leave, you will be required to refund the whole of your maternity pay, less any Statutory Maternity Pay, received.

### **Fixed-Term Contracts or Training Contracts**

If you have a fixed-term or training contract which expires after the eleventh week before the expected week of childbirth, and you satisfy the eligibility criteria, your contract will be extended to allow you to receive the full maternity leave entitlement.

### **Continuous Service**

Absence on maternity leave (paid and unpaid) does not constitute a break in statutory or continuous NHS service.

### **Rotational Training Contracts**

If you are on a planned rotation with one or more NHS employers as part of an agreed programme of training, you will have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if pregnancy and childbirth had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training.

### **Contractual Rights**

During maternity leave (both paid and unpaid) you will retain all of your contractual rights except remuneration.

### **Increments**

Maternity leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

### **Accrual of Annual Leave**

Annual leave will continue to accrue during maternity leave.

Where possible, annual leave for the current annual leave year (up to 31<sup>st</sup> March) should be taken prior to the commencement of maternity leave. Any annual leave to be carried over should be discussed and agreed between the you and your manager.

### **NHS Pension Scheme**

The rules about pensions is complex and is set by the NHS Pensions Agency. If you wish to continue to contribute to the pension scheme during the unpaid part of maternity leave then please contact the pensions team, their contact details can be found on the finance section of the intranet.

### **Antenatal Care**

Staff expecting a child have the right to reasonable paid time off for antenatal care which includes antenatal appointments and medical appointments related to the pregnancy. It is not necessary to book annual leave for antenatal appointments but you should give your manager adequate notice of these.

### **Childcare Vouchers**

The Trust currently operates a salary sacrifice childcare voucher scheme. Further information can be found on the human resources section of the intranet.

### **Career Breaks after maternity leave**

The Trust offers all staff with one years continuous service the opportunity to take a career break of up to five years following full maternity leave.

If your application for a career break is approved then you will not need to return for the normal three months. If, however, you do not return from the career break or you return for less than three months and leave then you will be required to pay back the full balance of your occupational maternity pay, less the statutory maternity pay.

## Paternity leave

### **Eligibility**

All fathers-to-be or partners (including those in same sex relationships) are entitled to 2 weeks paternity leave. The same applies in circumstances where a child is being adopted and the parent is not the primary carer.

The NHS provides for an occupational scheme for staff who have 52 weeks complete service, with one or multiple NHS employers, by the child's birth date.

For staff who do not qualify for the occupational entitlements, there are statutory entitlements that they may be eligible for.

### **Paternity leave pay**

The amount of paternity leave and pay you are entitled to depends on your continuous service. There are four entitlements, these are:

- A) For staff with 52 weeks completed NHS service - up to 2 weeks paternity leave, at full pay.
- B) For staff with less than 52 weeks completed NHS service by 26 weeks or more service by the end of the 15<sup>th</sup> week before the expected week of child birth are entitled to up to 2 weeks leave, paid at the statutory rate.
- C) If you do not qualify for either the above then you are entitled to up to two weeks unpaid paternity leave.

You are only entitled to one period of paternity leave, even if your partner has twins or through adoption you are assigned more than one child.

### **Supporting a pregnant partner**

Partners may also take reasonable paid time off to attend ante-natal classes. This entitlement also applies to same-sex relationships and is defined as maternity support leave.

### **Applying for paternity leave**

When your partner has been provided with a MATB1 certificate you should take a copy and complete the paternity leave application form (Appendix C) and give this to your line manager.

### **Commencing paternity leave**

When your baby is born or you have been assigned a child through adoption your line manager should complete a change of contractual circumstances form to ensure that you are paid the correct rate of pay during your paternity leave.

You do not have to take paternity leave the moment your child is born or you have been placed with a child through adoption. However, you must have taken it no later than 56 days after the birth or the placement date.

## Adoption leave

Adopting a child can be a long and complicated process for the prospective parents. They may have already waited months or even years before a child becomes available and must usually be ready to accept the child at very short notice.

### **Eligibility**

In order to qualify for adoption leave and pay, an employee must be newly matched with a child for adoption from an approved adoption agency. They must also be assigned as the primary care giver.

Adoption leave and pay is not available if there is an established relationship with the child, such as fostering prior to the adoption or when a step-parent is adopting a partner's child.

The NHS provides for an occupational pay scheme for staff who have 52 weeks complete service, with one or multiple NHS employers.

For staff who do not qualify for the occupational entitlements, there are statutory entitlements that they may be eligible for.

### **Adoption leave pay**

A) If you have at least 52 weeks continuous NHS service (i.e. no break longer than 3 months) by the placement date, you are entitled to occupational adoption pay:

- 8 weeks leave on full pay;
- 18 weeks leave on ½ pay plus statutory adoption pay receivable;
- 13 weeks at the standard rate statutory adoption pay;
- up to 13 weeks unpaid leave.

B) If you have less than 52 weeks service on the week you are notified of a placement, but 26 or more weeks service by the same date and you intend to return to work, you are entitled to statutory adoption pay:

- 39 weeks of statutory adoption pay
  - 6 weeks pay at 90% usual earnings or flat rate SAP per week if greater.
  - 33 weeks pay at flat rate SAP or 90% of average weekly earnings if this is less than flat rate SAP per week
- 13 weeks unpaid leave

C) If you have anything more than 26 weeks continuous service on the week you receive notification of a placement but you do not intend to return to work:

- 39 weeks of statutory adoption pay
  - 6 weeks pay at 90% usual earnings or flat rate SAP per week if greater.
  - 33 weeks pay at flat rate SAP or 90% of average weekly earnings if this is less than flat rate SAP per week Plus 13 weeks unpaid leave

- D) If you do not qualify for any of the above, then you may be entitled to maternity allowance which you will need to apply for from the Job Centre.

### **Commencing adoption leave**

The earliest that you can start your adoption leave is 14 days before the expected date of placement and the latest date will be the date on which the child is placed with you for adoption.

Adoption leave can start on any day of the week and only one period of adoption leave and pay is available irrespective of whether more than one child is placed for adoption as part of the same arrangement.

As soon as you have been notified that you have been matched with a child by an adoption agency, you must let your manager know of this within 7 days and that you intend to take adoption leave and complete the adoption leave form (appendix D). You should give one copy to your line manager and keep one for your own records.

### **Keeping in Touch**

Before going on leave, you should meet with your line manager to discuss and agree arrangements for keeping in touch during your adoption leave, including:

- any arrangements that you may find helpful to help you keep in touch with developments at work and, nearer the time of your return, to help facilitate your return to work;
- keeping your line manager and Human Resources aware of any developments that may affect your intended date of return.
- In addition, you may, in agreement with your manager, do up to 10 days work during maternity leave, for which you will be paid. These 'Keeping in Touch' days may be undertaken at any stage during adoption leave.

Your line manager should complete a change of contractual circumstances form for every KIT day you work. This to ensure you are paid for this time back at work.

### **Changing the start date of your adoption leave**

If you subsequently wish to change the date when you wish your maternity leave to start, you should notify your line manager and Human Resources at least 4 weeks beforehand (or, if this is not possible, as soon as is reasonably practicable beforehand).

### **Sharing adoption leave**

If both adoptive parents are employed by the Trust the period of adoption leave may be shared. One parent should be identified as the primary carer and be entitled to the majority of the adoption leave. Should the primary carer wish to return to work early before the end of their adoption leave, any remaining adoption leave may be assigned to the other adoptive parent. Adoption leave for both parents must run successively but not concurrently. The pattern of leave would need to be agreed jointly between the parents and their respective Departmental Managers. The needs of the

service would normally require that any such application should be made prior to the commencement of adoption leave.

If only one adoptive parent is employed by the Trust then one parent will be entitled to adoption leave and the other will be entitled to paternity leave (see paternity leave above).

### **Return to work**

If you intend to return to work at the end of your full adoption leave you will have agreed a return to work date with your manager. On the month that you return back to work your manager should complete a change of contractual circumstances form so that your full pay can be re-instated.

If you wish to return earlier than you first planned then you must give your manager at least eight weeks notice in writing.

If you cannot return to work at the end of your adoption leave because you are ill, you should notify your manager in line with your department's normal sickness absence procedure.

If you decide not to return to work from adoption leave at all, you must give the Trust notice of your resignation in accordance with the terms of your employment contract. You will, however, be required to pay back the whole of your adoption pay, less any statutory adoption pay, received.

### **Returning on Flexible Working Arrangements**

If you wish to change your working hours when you return from adoption leave you will need to follow the process set out in the flexible working procedure. You should make an application at least eight weeks before your return to work date.

### **Failure to return to work**

If you informed your manager that you will be returning to work at the Trust or for another NHS employer and fail to do so within 15 months of the beginning of your adoption leave, you will be required to refund the whole of your maternity pay, less any statutory adoption pay received.

### **Continuous Service**

Absence on adoption leave (paid and unpaid) does not constitute a break in statutory or continuous NHS service.

### **Rotational Training Contracts**

If you are on a planned rotation with one or more NHS employers as part of an agreed programme of training, you will have the right to return to work in the same post or in the next planned post irrespective of whether the contract would otherwise have ended if adoption leave had not occurred. In such circumstances your contract will be extended to enable you to complete the agreed programme of training.

### **Contractual Rights**

During adoption leave (both paid and unpaid) you will retain all of your contractual rights except remuneration.

## **Increments**

Adoption leave, whether paid or unpaid, shall count as service for annual increments and for the purposes of any service qualification period for additional annual leave.

## **Accrual of Annual Leave**

Annual leave will continue to accrue during adoption leave.

Where possible, annual leave for the current annual leave year (up to 31<sup>st</sup> March) should be taken prior to the commencement of the adoption leave. Any annual leave to be carried over should be discussed and agreed between you and your manager.

## **NHS Pension Scheme**

The rules about pensions is complex and is set by the NHS Pensions Agency. If you wish to continue to contribute to the pension scheme during the unpaid part of adoption leave then please contact the pensions team, their contact details can be found on the finance section of the intranet.

## **Childcare Vouchers**

The Trust currently operates a salary sacrifice childcare voucher scheme. Further information can be found on the human resources section of the intranet.

## **Career Breaks after adoption leave**

The Trust offers all staff with one years continuous service the opportunity to take a career break of up to five years following adoption leave.

If your application for a career break is approved then you will not need to return for the normal three months. If, however, you do not return from the career break or you return for less than three months and leave then you will be required to pay back the full balance of your occupational adoption pay, less the statutory maternity pay.

## Transferring maternity or adoption pay to a spouse or partner

Shared parental leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take shared parental leave. There may also be an entitlement to some shared parental pay.

These sections set out the statutory rights and responsibilities of employees who wish to take statutory shared parental leave (SPL) and statutory shared parental pay (ShPP).

The Trust recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the Trust policy to encourage open discussion with employees to ensure questions and problems can be resolved as quickly as possible.

### **Eligibility**

To be eligible for Shared Parental Leave (SPL) you must share responsibility for the child with one of the following:

- Your husband, wife, civil partner or joint adopter.
- The child's other parent.
- Your partner (If they live with you and the child)

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- You or your partner must be eligible for maternity pay or leave, adoption pay or leave or maternity allowance.
- Have been employed continuously by the Trust for at least 26 weeks by the end of the 15<sup>th</sup> week before the due date (or by the date you are matched with your adopted child.)
- Stay with the Trust while you take SPL.
- During the 66 weeks before the week the baby's due (or the week you're matched with your adopted child) your partner must have been working for at least 26 weeks (they don't need to be in a row) and have earned at least £390 in total in 13 of the 66 weeks (add up the highest paying weeks, they don't need to be in a row).

The Trust may, within 14 days of the SPL entitlement notification being given, request:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).

- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

In order to be entitled to SPL, the employee must produce this information within 14 days of the Trust's request.

### **Notification**

An employee entitled and intending to take SPL must give their line manager notification of their entitlement and intention to take SPL, at least eight weeks before they can take any period of SPL.

In order to be eligible for SPL the employee must complete all sections of Appendix E. This includes a declaration that they meet all the eligibility criteria, should they cease to be eligible the employee must immediately inform the Trust.

### **Shared Parental Leave Entitlement**

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below). If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

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

An employee considering/taking SPL is encouraged to contact Human Resources to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the Trust to support the individual.

Human Resources may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a SPL application form, Human Resources will arrange a meeting with the employee and their manager to discuss if required.

At the meeting the employee may, if they 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 the employee is 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 modified arrangement would be agreeable to the employee and the Trust, and what the outcome may be if no agreement is reached.

### **Booking Shared Parental Leave**

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has a statutory right to submit three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum. Each notification may contain either:

- a) a single period of weeks of leave; or
- b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

### **Continuous leave notifications**

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

The employee has a statutory right to submit three notifications specifying leave periods they are intending to take. However, the Trust will allow further notifications beyond this statutory minimum.

### **Discontinuous leave notifications**

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the Trust or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the Trust (see "Discussions regarding Shared Parental Leave" above).

The Trust will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, a meeting will take place to discuss whether a modified arrangement would be agreeable to the employee and the Trust.

### **Responding to a Shared parental Leave Notification**

Once the line manager receives the SPL Application Form (contained in Appendix 1 and 2), it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing or via email.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the Trust against any adverse impact to the service needs. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. The employee will be informed in writing or via email of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made.

If a discontinuous leave pattern is refused then the employee may either take the leave in a single continuous block or discuss whether a modified arrangement would be agreeable to the employee and the Trust. If the employee chooses to take the leave in a single continuous block, the employee has until the 14th day from the date of refusal to notify the Trust of when they want the leave period to begin.

The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

### **Variations to Arranged Shared Parental Leave**

The employee is permitted to vary or cancel an agreed and booked period of SPL, provided that they advise the Trust in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request. Any variation will be confirmed in writing or via email by the Trust.

### **Statutory Shared parental Pay (ShPP)**

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the week in which ShPP is payable;
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due

date/matching date are not less than the lower earnings limit in force for national insurance contributions;

- The employee must remain in continuous employment until the first week of ShPP has begun;
- The employee must give proper notification in accordance with the rules set out below.

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager notice in writing or via email advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity/adoption pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP;
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the organisation should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- Their agreement to the employee claiming ShPP and for the Trust to process any ShPP payments to the employee;
- (In the case whether the partner is the mother/ adopter) that they have reduced their maternity/adoption pay or maternity allowance;
- (In the case whether the partner is the mother/ adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

### **Terms and Conditions during Shared Parental Leave**

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a lease car etc.) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the Trust's contributions will be based on the salary that the employee would have received had they not been taking SPL.

## **Annual Leave**

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where the amount of accrued annual leave would exceed normal carry over provisions, it may be mutually beneficial to both the employer and employee for the employee to take annual leave before and/or after the formal (paid and unpaid) shared parental leave. The amount of annual leave to be taken this way, or carried over, should be discussed and agreed between the employee and employer. Payment in lieu may be considered as an option where accrual of annual leave exceeds normal carry over provisions.

## **Contact During Shared Parental Leave**

Before going on ShPP leave, the Trust and the employee should discuss and agree any arrangements for keeping in touch during the employee's period of ShPP leave. This may include:

- Any voluntary arrangements that the employee may find helpful to help their keep in touch with developments at work and facilitate their return;
- Keeping the Trust in touch with any developments that may affect their intended date of return.

## **Shared Parental Leave in Touch Days**

An employee can agree to work for the Trust (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The Trust has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the manager and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively „topped up“ so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the Trust, may use SPLIT days to work part of a week during SPL. The organisation and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern

## **Returning to Work after Shared parental Leave**

The employee will have been formally advised in writing or via email by the Trust of the end date of any period of SPL. The employee is expected to return on the next working

day after this date, unless they notify the organisation otherwise. If they are unable to attend work due to sickness or injury, the Trusts normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide notice either in writing or via email to their line manager to vary the leave and must give the Trust at least 8 weeks notice of their date of early return.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employees right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

### **Work During Shared Parental Leave**

With the exception of shared parental leave in touch days within the employees substantive post, work on the Trust Bank or working anywhere outside the Trust during the employees contracted hours is not permitted during paid or unpaid Shared Parental Leave unless written approval has been obtained from their line manager. This could constitute gross misconduct and may lead to disciplinary action and referral to the Trust's Local Counter Fraud Specialist.

### **Training Requirements**

The human resources department will provide coaching and one to one training for managers who need to apply this procedure.

In addition the trust's recruitment and selection and other management development programmes will cover the equality act requirements specific to maternity, paternity and adoption leave requirements.

### **Process for monitoring compliance with this Procedure**

The Trust will report, annually, through its public sector equality duty report the number of staff who have taken maternity, paternity or adoption leave.

### **References**

HM Government (2010). *The Equality Act*. London. HM Stationery Office.

### **Associated documents<sup>1</sup>**

Annual leave procedure  
Career break procedure  
Flexible working procedure  
Sickness absence procedure

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<sup>1</sup> For the current version of Trust procedures, please refer to the intranet.  
*Maternity, Paternity and Adoption Procedure, 3.0, 2018*

## Appendix A : Equality Analysis

<b>Completed by</b>	Craig de Sousa
<b>Position</b>	Director of Human Resources
<b>Date</b>	15 August 2017

<b>The following questions determine whether analysis is needed</b>	<b>Yes</b>	<b>No</b>
Is it likely to affect people with particular protected characteristics differently?	X	
Is it a major policy, significantly affecting how Trust services are delivered?	X	
Will the policy have a significant effect on how partner organisations operate in terms of equality?		X
Does the policy relate to functions that have been identified through engagement as being important to people with particular protected characteristics?	X	
Does the policy relate to an area with known inequalities?		X
Does the policy relate to any equality objectives that have been set by the Trust?		X
Other?		X

If the answer to *all* of these questions was no, then the assessment is complete.

If the answer to *any* of the questions was yes, then undertake the following analysis:

	<b>Yes</b>	<b>No</b>	<b>Comment</b>
Do policy outcomes and service take-up differ between people with different protected characteristics?		X	
What are the key findings of any engagement you have undertaken?		X	
If there is a greater effect on one group, is that consistent with the policy aims?	X		The shared parental leave provisions level out the potential scope for discrimination as a result of pregnancy and maternity.

			Likewise, it puts in place consistent provisions for same sex partners that chose to adopt.
If the policy has negative effects on people sharing particular characteristics, what steps can be taken to mitigate these effects?		X	
Will the policy deliver practical benefits for certain groups?	X		Those who chose to have children/
Does the policy miss opportunities to advance equality of opportunity and foster good relations?		X	
Do other policies need to change to enable this policy to be effective?		X	
Additional comments			

If one or more answers are yes, then the policy may unlawful under the Equality Act 2010 – seek advice from Human Resources.

## Appendix B : Maternity Leave Application Form

### Maternity Leave Application Form

Name	
Assignment Number	
Job Title	
Department	

Expected date of childbirth	
Date I wish to start maternity leave	
Planned return to work date	

Please tick the box which applies to you:

I intend to return to work following maternity leave	<input type="checkbox"/>	I understand that if I fail to return to work for a minimum period of 3 months after the expiry of maternity leave, I am liable to refund maternity payments received less any Statutory Maternity Pay entitlements; unless I submit evidence (including my appointment letter) confirming my commencement of employment with another NHS authority within 15 months of the beginning of my maternity leave.
I am not sure whether I will return to work following maternity leave	<input type="checkbox"/>	I understand that if I do return to work for at least 3 months I am entitled to be reimbursed any occupational maternity pay for which I am eligible, less any Statutory Maternity Pay entitlements that I have already received.
I will not be returning to work following maternity leave	<input type="checkbox"/>	I have read the maternity, paternity and adoption leave procedure which I understand and accept. I understand that by taking this option, I am giving notice of my intention to resign and that my contract of employment will be terminated at the end of my 52 weeks maternity leave.

I confirm that I have fully read the maternity, paternity and adoption leave which I understand and accept.

By checking this box it acts as your signature	
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Please now send a copy of this form to your line manager and [HR@tavi-port.nhs.uk](mailto:HR@tavi-port.nhs.uk) with a copy of your MATB1 certificate.

**For use by HR only**

Maternity entitlement letter prepared	
Prepared by	

## Appendix C : Paternity Leave Application Form

### Paternity Leave Application Form

Name	
Assignment Number	
Job Title	
Department	

Expected date of childbirth	
Date I wish to start paternity leave	
Planned return to work date	

I confirm that I have fully read the maternity, paternity and adoption leave which I understand and accept.

By checking this box it acts as your signature	
------------------------------------------------	--

Please now send a copy of this form to your line manager and [HR@tavi-port.nhs.uk](mailto:HR@tavi-port.nhs.uk) with a copy of your partner's MATB1 certificate.

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#### For use by HR only

Paternity entitlement letter prepared	
Prepared by	

## Appendix D : Adoption Leave Application Form

### Adoption Leave Application Form

Name	
Assignment Number	
Job Title	
Department	

Date placement confirmed	
Date I wish to start adoption leave	
Planned return to work date	

Please tick the box which applies to you:

I intend to return to work following adoption leave	<input type="checkbox"/>	I understand that if I fail to return to work for a minimum period of 3 months after the expiry of adoption leave, I am liable to refund adoption payments received less any statutory adoption pay entitlements; unless I submit evidence (including my appointment letter) confirming my commencement of employment with another NHS authority within 15 months of the beginning of my maternity leave.
I am not sure whether I will return to work following adoption leave	<input type="checkbox"/>	I understand that if I do return to work for at least 3 months I am entitled to be reimbursed any occupational adoption pay for which I am eligible, less any statutory adoption pay entitlements that I have already received.
I will not be returning to work following adoption leave	<input type="checkbox"/>	I have read the maternity, paternity and adoption leave procedure which I understand and accept. I understand that by taking this option, I am giving notice of my intention to resign and that my contract of employment will be terminated at the end of my 52 weeks maternity leave.

I confirm that I have fully read the maternity, paternity and adoption leave which I understand and accept.

By checking this box it acts as your signature	
------------------------------------------------	--

Please now send a copy of this form to your line manager and [HR@tavi-port.nhs.uk](mailto:HR@tavi-port.nhs.uk) with a copy of your matching certificate.

**For use by HR only**

Maternity entitlement letter prepared	
Prepared by	

## Appendix E : Shared Parental Leave Application Form

### SPL forms (resulting from Maternity)

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Shared Parental Pay (ShPP).

<b>What forms need to be completed?</b>			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
Form 1	<b>YES</b>	<b>YES</b>	<b>YES</b>
Form 2	<b>YES</b>	<b>YES</b>	<b>NO</b>
Form 3	<b>NO</b>	<b>NO</b>	<b>YES</b>
Form 4	<b>YES</b>	<b>NO</b>	<b>YES</b>

- To learn more about SPL and ShPP go to [www.acas.org.uk/spl](http://www.acas.org.uk/spl)
- Parents should use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) to find some of the information needed to complete these forms
- Parents and employers should keep a copy of any completed forms
- Some employers may provide their own standard forms for employees to use
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify Jobcentre Plus to curtail this entitlement
- The earnings requirements mentioned are correct as of March 2015

#### **Key abbreviations used in these forms:**

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

## Form 1: Curtailment of Maternity Leave and Pay (for Mother's Employer)

<b>SECTION A: General (must be completed)</b>	
Please accept this as my notice to curtail my maternity leave and/or SMP. This form is accompanied by notification that either I intend to take SPL and/or ShPP or that my partner intends to take SPL and/or ShPP. I understand that my maternity leave will end on the date given in Section B and that my SMP will end on the date given in Section C. I understand that I can only reinstate my maternity leave if I revoke this notice before the curtailment date given in Section B. I understand that if I am eligible for myself or my partner to opt into SPL and ShPP I can only reinstate my SMP if I revoke this notice before the end date given in Section C.	
Mother's surname	
Mother's first name(s)	
Child's expected date of birth	
Actual date of child's birth (if born)	
<b>SECTION B: Curtailing maternity leave (must be completed)</b>	
Date statutory maternity leave started/is intended to start	
Date statutory maternity leave will come to an end	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
<b>SECTION C: Curtailing maternity pay (only complete if claiming ShPP)</b>	
Date SMP started/is intended to start	
Date SMP will come to an end	
Total number of weeks of SMP that will have been paid at the date that SMP ends	
<b>SECTION D: Signature (must be completed)</b>	
Signature of mother	
Date signed	

## Form 2: Notification that Mother is intending to take SPL (for Mother's Employer)

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Mother's Surname	
Mother's First name(s)	
Partner's surname	
Partner's first name(s)	
Partner's Address	
Partner's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) statutory maternity leave	
Date mother's statutory maternity leave ended (or will end)	
Total number of weeks of statutory maternity leave that will have been taken at the date that statutory maternity leave ends	
Date mother started (or intends to start) SMP or MA	
Date mother's SMP or MA ended (or will end)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	
<b>SECTION C: Amount of SPL available (must be completed)</b>	
Total number of weeks of SPL created (52 weeks less total number of maternity weeks taken and any SPL from a previous notice and	

revocation)	
Total number of weeks of SPL I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	
<b>SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)</b>	
I (the mother) currently expect to take SPL as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
<b>SECTION E: Amount of ShPP available (only complete if claiming ShPP)</b>	
Total number of weeks of ShPP created (39 weeks less total number of SMP taken and any ShPP paid from a previous notice and revocation)	
Total number of weeks of ShPP I (the mother) intend to take:	
Total number of weeks of ShPP my partner intends to take:	
I (the mother) currently expect to take ShPP as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	
<b>SECTION F: Mother's declaration (must be completed)</b>	
<b>The following points apply in all circumstances where a mother is entitled to maternity leave:</b>	
<ul style="list-style-type: none"> <li>• I am giving notice that I am entitled to and intend to take SPL</li> <li>• I have, or will have, been continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the week in which the child is due</li> <li>• I will remain employed with this employer until any period of SPL that I intend to take</li> <li>• I had (or will have) the main responsibility for the care of the child at the time of the child's birth (along with my partner who has made the declaration below)</li> <li>• I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL</li> <li>• I will inform my employer immediately if I am no longer caring for my child</li> <li>• I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice</li> <li>• I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice</li> <li>• I (or my partner) have given a period of SPL notice</li> </ul>	

- The information provided in this declaration is accurate and meets the notification requirements for SPL
- **The following points only apply if Section E has been completed:**
- I am giving notice that I am entitled to and intend to take ShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the 8 weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth
- I am entitled to SMP in respect of the birth of our child, my maternity pay period is reduced and the period that remains is available as ShPP
- I will be absent from work in each week in which I will be paid ShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive ShPP
- I will remain employed with this employer until before the date of my first period of ShPP
- I will immediately inform the person who will be paying ShPP if I revoke the curtailment of my SMP or MA
- The information provided in this declaration is accurate

Marking an X in this box acts as your signature

Date mother signed

**SECTION G: Partner's declaration (must be completed)**

- I am the father of the child, or at the date of the birth I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth (along with the child's mother)
- I have been (or will have been) employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of birth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of childbirth
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of ShPP which the mother intends to take, as set out in Section E above.
- The information provided in this declaration is accurate

Marking an X in this box acts as your signature

Date partner signed

## Form 3: Notice confirming that Partner is taking SPL but mother is not (for Mother's Employer)

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

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

<b>SECTION A: General (must be completed)</b>	
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and ShPP if section C is completed).	
Partner's Surname	
Partner's First name(s)	
Mother's surname	
Mother's first name(s)	
Mother's Address	
Mother's National Insurance number (State 'none' if no number is held)	
Child's expected date of birth	
Actual date of child's birth (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>SECTION B: Maternity entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) maternity leave (if applicable)	
Date mother's maternity leave ended (or will end) (if applicable)	
Total number of weeks of maternity leave taken (or that will be taken) when maternity leave ends	
Date mother started (or intends to start) SMP or MA (if applicable)	
Date mother's SMP or MA ended (or will end) (if applicable)	
Total number of weeks SMP or MA has been paid or will have been paid at date of curtailment	
Total number of weeks by which SMP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP or MA has been paid or will have been paid at date of curtailment)	



**SECTION F: Partner's declaration (must be completed)**

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

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

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

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

Marking an X in this box acts as your signature

Date partner signed

**SECTION G: Mother's declaration (must be completed)**

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

- I had (or will have) the main responsibility for the care of the child at the time of the birth (along with my partner who has made the declaration above)
- I am entitled to maternity leave and/or SMP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity leave (or I have returned to work) and/or my entitlement to SMP or MA.
- I have, or will have, been employed or self-employed in England, Scotland or Wales in 26 weeks of the 66 weeks before the expected week of childbirth
- I have (or will have) earned in total at least £390 in 13 weeks of the 66 weeks before the expected week of birth
- I will immediately inform my partner if I revoke my notice to curtail my maternity leave or, if I am not entitled to maternity leave, my SMP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

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

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

Marking an X in this box acts as your signature

Date mother signed