

# NCIs' Family Friendly Policies

Adoption Leave and Pay

Maternity Leave and Pay

Paternity Leave and Pay

Shared Parental Leave and Pay

Unpaid Parental Leave

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Policy Creator	HR
Policy Monitor	HR
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## **Aim**

This policy aims to support staff who are parents by enabling them to plan their leave arrangements following the birth, or adoption, of a child in a way that:

- complies with their legal entitlements,
- supports their work-life balance and,
- helps departments to make arrangements in good time to provide appropriate cover.

## **Summary**

You should discuss your intentions at an early stage with HR and your line manager so that leave plans and cover agreements can be discussed and agreed in principle before a formal application is made.

### **Maternity Leave and Pay**

All staff are entitled to 52 weeks' maternity *leave*. The level of *pay* depends on length of service.

- Employees with 26 weeks' service are entitled to Statutory Maternity Pay (SMP) for 39 weeks plus 13 weeks' unpaid leave.
- Employees with more than 1 year's continuous service who intend to return to work are entitled to 39 weeks' occupational maternity pay (OMP) plus 13 weeks' unpaid leave.

### **Adoption Leave and Pay**

One parent (known as the "adopting parent") may take up to 52 weeks' adoption leave. Employees with more than 1 year's continuous service who intend to return to work are entitled to 39 weeks' occupational adoption pay (at full pay) plus 13 weeks' unpaid leave. The parent not taking adoption leave may take paternity leave.

### **Paternity Leave and pay**

Employees with 26 weeks' service at the 15<sup>th</sup> week before the expected week of childbirth are entitled to 10 days' paternity leave on full pay (15 days, with service of 1 year or more). This leave can be taken in blocks of 1 week or 3 weeks concurrently.

### **Shared Parental Leave and Pay**

After the mother or adopting parent has taken 2 weeks' compulsory maternity leave<sup>1</sup>, eligible parents can share the remaining leave. Shared Parental Pay (ShPP) will be

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<sup>1</sup> Four weeks for manual workers

paid at the statutory rate (currently the flat level rate for SMP) not OMP. Shared Parental Pay (ShPP) is paid by the employer of the person taking the leave.

### Parental Leave

This is distinct from Shared Parental Leave. Employees with at least one year of continuous service are entitled to a total of 18 weeks' *unpaid* parental leave for each child; and if agreed, can be added to normal maternity, paternity or adoption leave. Only 4 weeks' unpaid parental leave may be taken in one year.

The following information has been prepared for you as guidance. You may also find the NCI's policy on flexible working helpful.

### **1. Maternity Leave**

- 1.1 You are entitled to 52 weeks' maternity leave irrespective of your length of service or the number of hours you work each week. This is made up of 39 weeks' Ordinary Maternity leave (OML) and 13 weeks' Additional Maternity Leave (AML).
- 1.2 By law the minimum time you must take is 2 weeks immediately following the birth of your child? This two week period is included in OML. Eligible parents may then share the remaining pay and leave. See Shared Parental Leave and Pay.
- 1.3 During any unpaid Additional Maternity leave you will not pay pensions contributions. The period of unpaid leave will be treated as a break in pensionable service.

### **What will I be paid during my maternity leave?**

- 1.4 The pay you receive will depend on how long you have worked. You could be eligible for:
  - Statutory Maternity Pay (SMP)
  - Occupational Maternity Pay (OMP).

For further details of eligibility, see the table at 1.12.

- 1.5 If you are not eligible for SMP, you could be eligible for Maternity Allowance. See paragraphs 1.11 -1.13 below.
- 1.6 If you are an NCI employee and opt for shared parental pay (ShPP), it will be paid at the level of OMP provided you meet the length of service criteria and other conditions for OMP, such as returning to work. See table 1.12.

### **Am I eligible for Statutory Maternity Pay?**

- 1.7 SMP is paid for 39 weeks. In order to claim this, you must have been continuously employed by the same employer for 26 weeks ending by the 15th week before your expected date of childbirth (EWC) (the qualifying week). Your average earnings must be at least as much as the Lower Earnings Limit for National Insurance contributions, which applies at the end of your qualifying week.
- 1.8 SMP is payable whether or not you intend to return to work as follows:
- First six weeks: 90% of your average weekly earnings, with no upper limit;
  - Remaining 33 weeks: 90% of your average weekly earnings OR £138.18 (April 2014) whichever is the lesser amount.

### **What if I do not qualify for Statutory Maternity Pay?**

- 1.9 Should you not be eligible for SMP, Payroll will issue you with a form (SMP1) which may enable you to get Maternity Allowance (MA). This is a weekly benefit paid to employees who are not eligible for SMP or who are self-employed. The SMP1 should be sent to a Social Security or Jobcentre Plus office.
- 1.10 You can be paid MA for up to 39 weeks. This will be stopped if you return to work before the end of the MA period.

### **Will I receive any Occupational Maternity Pay (OMP)?**

- 1.11 If you do not intend to return to work, you will not qualify for OMP.
- 1.12 The level of pay received depends on how much service has been completed, as shown in the table below.

Length of Service	Maternity Leave	Pay
Less than 26 weeks' service at the 15th week before the Expected Week of Childbirth (EWC)	Up to 52 weeks unpaid	Unpaid  Maternity Allowance may be payable if you are eligible  Statutory Sick Pay is not payable whilst you are in receipt of Maternity Allowance or for the first 18 weeks following the start of your maternity leave or the birth of your baby

26 weeks' service or more (but less than one year) at the 15th week before EWC	39 weeks paid and 13 weeks unpaid	39 weeks SMP paid: 6 weeks at 90% of earnings and 33 weeks at 90% of earnings or the current statutory rate whichever is the lesser amount
One year's continuous service or more at the 15 <sup>th</sup> week before EWC	39 weeks paid and 13 weeks unpaid	39 weeks OMP paid at full pay (inclusive of SMP)

### **Payment of SMP/OMP**

- 1.13 SMP will be offset against any entitlement to OMP. Your payslip will, therefore, show the amount of SMP paid plus a pay adjustment to bring the payment up to the level of OMP.
- 1.14 SMP is calculated and paid as a weekly amount based on the number of Sundays in each month. Therefore some months may contain 4 weeks and some months 5 weeks. OMP will be paid in line with SMP according to the number of Sundays in each month.
- 1.15 To claim SMP, you must give 28 days' written notice to the National Church Institutions (NCIs) of the date on which you wish your SMP payments to begin. Please use the application form at section 8.
- 1.16 Your SMP/OMP will be paid into your bank account on the same date that your salary would have been paid, and will be subject to deductions for tax, and pension contributions in the usual way.

### **When can I start my Maternity Leave?**

- 1.17 The earliest you can start your maternity leave is 11 weeks before the expected week of childbirth (EWC). The EWC can be worked out from your due date or when your midwife or doctor has issued your MAT B1 form. This form is usually issued in the 20th week of your pregnancy.
- 1.18 Should you become ill with a pregnancy related illness after the start of your 4th week before EWC, your maternity leave will automatically begin.

### **What should I do with my MAT B1 form?**

- 1.19 When you have received your MAT B1 form, take a photocopy for your partner, as it may be needed by their employer.
- 1.20 Complete the Maternity Leave Application form and give it to HR for processing, along with the hard copy of the MAT B1 certificate.

### **Will I accrue any annual leave during my Maternity Leave?**

- 1.21 You are entitled to all contractual annual leave that you have accrued throughout the year before you go on maternity leave. You will accrue contractual annual leave during any period of paid or unpaid maternity or adoption or Shared Parental Leave.
- 1.22 Annual leave may only be taken before you start your maternity leave or at the end of your maternity leave. This means:
- If you intend to take annual leave before you go on maternity leave, you must arrange this time off with your line manager and have this authorised in the normal way;
  - You may not take annual leave between your OML and AML;
  - You may take annual leave after your AML. Annual leave that accrued before your maternity leave must be taken before you return to work. Annual leave that has accrued during your maternity leave should also be taken before your return to work. In exceptional circumstances the balance of any accrued leave may be taken within 3 months of the end of your maternity leave period.

### **What do I need to tell my Line Manager before I go on maternity leave?**

- 1.23 You should inform your line manager and HR that you are expecting a baby. Please use the form at section 8 to give written notification of your intention to take maternity leave and the date on which you intend this to start.
- 1.24 This notification should be provided before the end of the 15th week before your expected week of childbirth. Note that, for these purposes, a week begins on a Sunday.
- 1.25 If you change your mind about the date on which you want to start your leave, you must give your line manager at least 28 days' written notice of the new date. Please note also that if you are eligible for SMP payments, you must give HR and Payroll at least 28 days' written notice of the date on which you wish your SMP payments to begin.
- 1.26 In exceptional circumstances, notification can be given after your child is born, but, as a general rule, if you fail to serve notice at the relevant time, you will lose your right to take paid maternity leave.
- 1.27 If you wish to take Shared Parental Leave, you will need to provide at least 8 weeks' notice of the date on which you will end your maternity leave, and complete the application form at section 8.
- 1.28 It is necessary to understand the range of options available so that you can plan your leave arrangements in a way that will support your work-life balance and help your department to make arrangements in good time to provide appropriate cover. You are

strongly recommended to have early discussions with HR and your line manager about your plans and entitlements before completing the application form.

### **Risk Assessments**

- 1.29 Your line manager should undertake a risk assessment of your workplace, workstation and workload. Where, through the risk assessment, an unacceptable risk is identified, the manager should make amendments to the work or working conditions to remove or reduce the risk. Regular re-assessments should be undertaken throughout the pregnancy to assess whether the adjustment should continue.
- 1.30 If it is not possible to make adjustments to the job, the manager should look for suitable alternative work for you during the course of your pregnancy. This will only be necessary where the work may cause harm to the employee or her baby.
- 1.31 If the manager is not able to find suitable alternative work, you will be suspended on full pay until the risks to you or your child have passed, or suitable work becomes available.
- 1.32 These provisions do not apply where a doctor has signed you off sick, but only where you are able to come to work but are unable to carry out the particular job duties.
- 1.33 If you are suspended, you will retain your right to statutory maternity pay or occupational maternity pay (if eligible) and the right to return to work after maternity leave.

### **If I do not plan to return to work, what should I do?**

- 1.34 If you do not wish to return to work, you should:
  - notify your head of department, line manager and HR;
  - inform them when you intend to leave work; and confirm that you will not be returning after the expected week of placement.

### **Contact with the NCIs during leave**

- 1.35 During your leave (whether SML, SAL or ShPL or Unpaid Parental Leave) your manager may need to contact you from time to time. This might be to discuss your plans to return to work, to ensure you are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence.
- 1.36 You may also find it helpful to contact your department from time to time, in addition to providing the required notice of your leave and your return to work.



### **What are keeping in touch days (KIT days)?**

- 1.37 You can have up to 10 Keeping in Touch (KIT) days while on maternity or adoption leave. These enable you to maintain contact with the NCIs during maternity leave. They may also help you to make a gradual return to work towards the end of maternity leave or to try out a possible flexible working pattern.
- 1.38 KIT days allow you to do work under the terms of your contract of service for the NCIs without losing your SMP for the week in which the work is done, or extending the period of your leave. If you are in receipt of OMP or SMP, you will not receive any additional payment for KIT days.
- 1.39 Any work undertaken is a matter for agreement between you and the NCIs, but staff and managers are encouraged to take full advantage of the opportunities provided by KIT days.

### **Do I have to agree whether I will take KIT days?**

- 1.40 Yes, you will need to inform your manager and the HR Department that you intend to use your KIT days and give your manager at least 2 weeks' notice.

### **What if I want more time off after the end of my paid OML?**

- 1.41 You are eligible for up to 13 weeks' unpaid Additional Maternity Leave (AML) at the end of your OML.
- 1.42 You are also able to take annual leave after your AML. Any annual leave that accrued before your maternity leave must be taken before you return to work. Annual leave that has accrued during your maternity leave should also be taken before your return to work. In exceptional circumstances the balance of any accrued leave may be taken within 3 months of the end of your maternity leave period.
- 1.43 You are also eligible to take unpaid parental leave. See Section 5 of this Policy.
- 1.44 You will not accrue pensionable service or be able to make AVCs during any period of unpaid leave. If you return to work after unpaid leave, you may be able to pay additional contributions that will have the effect of filling the gap in your pensionable service. You are advised to consult the Pensions Board about the implications before taking any unpaid leave.

### **What do I need to tell my manager before my return to work?**

- 1.45 If you are returning to work, you are entitled to the job in which you were employed under your original contract and on terms and conditions no less favourable than those that would have applied if you had not been absent, unless a redundancy situation has occurred while you are on maternity leave.

- 1.46 You need to give your manager at least 28 days' notice in writing of your intention to return to work. If you wish to return to work before the end of your maternity leave period, you must give your manager at least 8 weeks' notice.
- 1.47 If you are taking additional maternity leave, your manager will write to you 1 month before the end of the ordinary maternity leave period, to enquire whether you intend to return to work.
- 1.48 Once you have returned from maternity leave, you must remain in our employment for a minimum of 3 months; otherwise you will be expected to repay any amount of OMP that you have received in excess of the SMP entitlement.
- 1.49 Should you wish to consider working flexibly, please refer to the NCIs' policy on flexible working.

**Should I change my mind, and no longer want to return to work, what will I have to pay back?**

- 1.50 You will have to repay the difference between the OMP and the SMP.
- 1.51 You will be able to claim a refund of National Insurance contributions and tax paid on this amount. This can be adjusted automatically by Payroll if the overpayment relates to the current tax year.

**Miscarriage and Still Birth**

- 1.52 These maternity provisions do not apply if you suffer a miscarriage before the 24th week of pregnancy. You will be entitled to take sick leave in accordance with the sickness absence scheme. If you have a still birth after the 24th week of pregnancy, you will be entitled to the maternity scheme in full.

**What if I change my mind or my circumstances change and I want to return to work?**

- 1.53 If you have already given notice that you did not intend to return to work and you change your mind, you have no automatic right to return. However, if there were a radical change of circumstances, in some cases, after further discussion with your manager and HR, it might be possible for you to return to work.

**What if I am on a short term contract which expires while I am on maternity leave?**

- 1.54 Where a fixed term contract ceases after the qualifying week (15th week before the expected week of birth) or during paid maternity leave, OMP will cease with effect from the contract end date. If you qualify for SMP, this will be paid to you in a lump sum upon termination of your contract.

## **2. Adoption Leave**

### **How much Adoption Leave can I take?**

- 2.1 You are entitled to take off 52 weeks' Adoption Leave<sup>2</sup>. This is made up of 39 weeks' Ordinary Adoption Leave (OAL), which is paid, and 13 weeks' Additional Adoption Leave (AAL), which is unpaid.
- 2.2 Either the adoptive mother or father (the "adopter" or "adopting parent") can take adoption leave, with the other parent having the right to 'paternity' leave.
- 2.3 The Adopting Parent is entitled to paid leave to attend up to 5 adoption appointments. The other parent is entitled to unpaid leave in order to attend two of these appointments.
- 2.4 Employees who adopt a step-child or family member or who adopt privately without permission from an authority or adoption agency registered in the UK are not eligible for adoption leave.
- 2.5 Adopting Parents can end their adoption leave (either by returning to work or by giving notice of the day on which it will end) and then share adoption leave or pay.

### **How much will I get paid during my Adoption Leave?**

- 2.6 If you have 26 weeks' service or more (but less than 1 year's service) by the week in which you are notified that you have been matched with a child, you will receive 39 weeks' Statutory Adoption Pay (SAP).
- 2.7 If you have at least 1 year's continuous service, you will receive 39 weeks' Occupational Adoption Pay (OAP) at full pay. SAP must be offset against any entitlement to OAP. Your payslip will, therefore, show the amount of SAP paid, plus a pay adjustment to bring the payment up to the level of OAP.
- 2.8 OAP is calculated and paid as a weekly amount based on the number of Sundays in each month. Therefore, some months may contain 4 weeks and some months 5 weeks. The SAP will be paid in line with OAP according to the number of Sundays in each month.

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<sup>2</sup> If the matching date is after 5 April 2015, the employee is eligible for adoption leave from the first day of employment.

### **How do I notify my Line Manager?**

- 2.9 When you receive notification that you have been matched with a child, you should inform your Line Manager and complete the form at section 8.
- 2.10 Once you have received your documentary evidence, this will include the expected date of placement. Make two copies, one for your manager and one for HR.
- 2.11 The expected date of placement is the expected date that the child will start living with you.
- 2.12 The actual date of placement may be the same as the expected date of placement or it may be different. This is the date that the child is actually placed with you.

### **Foster Carers**

- 2.13 Employees are not entitled to adoption pay or leave during the fostering phase, although they may request flexible working arrangements. However, if they undertake a 'fostering for adoption' placement, they are eligible for adoption pay and leave (and, therefore, shared parental pay and leave) when they start to foster the child. Please contact HR for further information if this applies.

### **Other provisions**

- 2.14 References to maternity leave should be interpreted as applying to adoption leave where appropriate. In particular, the following provisions apply for staff on maternity leave also apply to staff on adoption leave:
- Accruing annual leave: see 1.21 1.22
  - Informing your manager before going on maternity leave: see 1.23 - 1.28
  - What to do if not returning to work: 1.34
  - Contact during adoption leave: see 1.35 - 1.36
  - KIT Days: see 1.37 – 1.40
  - Additional Adoption Leave and unpaid parental leave: see 1.41 - 1.44
  - Informing your manager before your return to work: see 1.45 - 1.49
  - Changing your mind and not returning to work: see 1.50 – 1.51
  - Changing your mind and returning to work: 1.53

### **3. Paternity Leave**

3.1 Paternity leave applies to the partner of the mother or the Adopting Parent regardless of gender.

#### **How much Paternity Leave am I entitled to?**

3.2 If you have 26 weeks' continuous service ending with the week immediately preceding the 15<sup>th</sup> week before the Expected Week of Childbirth or Expected Week of Placement, you will be entitled to 10 days' paternity leave.

3.3 If you have a year's service or more, you are entitled to 15 days' paternity leave.

3.4 You are also entitled to unpaid leave in order to attend 2 ante-natal appointments.

3.5 You must have responsibility for bringing up the child and be taking this leave to care for the child or support the mother or other adoptive parent. You must be

- the biological father; or
- married to/ the civil partner/partner of the mother of the child/adopting parent.

#### **Will I get paid during my paternity leave?**

3.6 If you have 26 weeks' continuous service by the 15<sup>th</sup> week before the expected date of childbirth, you will receive your full weekly salary during this period offset with Statutory Paternity Pay (SPP) of £138.18 (April 2014) or 90% of average weekly earnings whichever is lower.

#### **When should I inform my Line Manager?**

3.7 You must give at least 8 weeks' notice in writing before the date on which the leave is to start.

3.8 This date can be changed, as long as at least 28 days' written notice is given.

#### **Can I take my Paternity Leave in one block?**

3.9 Paid paternity leave can be taken in blocks of 1 week or 3 weeks concurrently. Leave cannot start before the child has been born or placed for adoption. Leave cannot continue later than 56<sup>th</sup> day after the date of childbirth/placement for adoption or the 56<sup>th</sup> day after the *expected* date of childbirth/placement, whichever is the later.

**If the baby comes early, what should I do?**

3.10 If the baby comes early and you were therefore unable to give the required notice, you must inform your line manager and HR as soon as possible.

**If the baby comes late, what should I do?**

3.11 If the baby comes late, you can change the date of your paternity leave or take the leave from the birth of the baby. Notify the HR department and your line manager as soon as possible.

**What about additional paternity leave?**

3.12 This has been replaced by Shared Parental Leave with effect from April 2015.

## **4. Shared Parental Leave (ShPL) and Pay (ShPP)**

### **What is ShPL?**

- 4.1 ShPL 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 planning leave and working arrangements to suit their particular circumstances. All eligible employees have a statutory right to take ShPL. There may also be an entitlement to some ShPP.
- 4.2 We recognise that, from time to time, employees may have questions or concerns relating to their shared parental rights. Staff and managers should clarify the relevant procedures with HR to ensure that they are followed.
- 4.3 Early conversations regarding leave intentions will be beneficial, enabling employees and managers to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated before formal notices are given. The NCIs encourage employees to engage in open discussions with their managers to ensure that questions and problems can be resolved as quickly as possible. You should discuss your intentions at an early stage with HR and your line manager so that leave plans and cover agreements can be discussed and agreed in principle before a formal application is made. See paragraphs 4.35 - 4.39.

### **What are the conditions for being eligible for ShPL?**

- 4.4 ShPL can only be used by two people:
- The mother/adopter **and**
  - One of the following:
    - the father of the child (in the case of birth) or
    - the spouse, civil partner or partner of the child's mother/adopter.

For the purpose of this policy, this individual is referred to as the 'co-parent'.

A 'partner' is defined for the above purposes as someone (whether of the same or different sex) with whom the mother/adopter and child lives in an enduring family relationship, but who is not the mother's/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

- 4.5 A mother/adopter intending to take ShPL must:
- be an employee
  - share the leave with one person

- share with the co-parent the main responsibility for the child's care at the time of the birth or placement for adoption
- be entitled to either maternity/adoption leave
- have reduced, or given notice to reduce, their maternity/adoption leave by issuing a curtailment notice or returning to work early
- have properly notified their employer of their entitlement and have provided the necessary declaration and evidence
- satisfy the 'continuity of employment' test
- be still working for the employer at the start of each leave period

and the mother's/adopter's co-parent must:

- share with the mother the main responsibility for the child's care at the date of its birth or placement for adoption
- satisfy the 'employment and earnings' test.

#### 4.6 A co-parent intending to take ShPL must:

- be an employee
- share the leave with one person
- share the main responsibility for the child with the mother/adopter at the time of the birth or placement for adoption
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence
- satisfy the 'continuity of employment' test
- be still working for the employer at the start of each leave period

and the mother/adopter must:

- share with the co-parent the main responsibility for the child's care at the time of the birth or placement for adoption
- be entitled to maternity leave, pay or allowance and have ended it early (by issuing a curtailment notice, or by returning early in the case of maternity leave)
- satisfy the 'employment and earnings' test.



The **continuity of employment** test (to be satisfied by the employee seeking to take ShPL): the individual must have 26 weeks' continuous service with the same employer by the end of the 15th week before the EWC, in relation to births, and by the date on which the employee or co-parent was notified of having been matched for adoption with the child in relation to adoption, and continue to work for the same employer until the week before any period of ShPL they take.

The **employment and earnings** test (to be satisfied by the co-parent where the mother/Adopter is seeking to take ShPL or by the mother/Adopter where the co-parent is seeking to take ShPL): the individual must have worked as an employed or self-employed earner for any part of the week in the case of any 26 out of the 66 weeks prior to the EWC, and earned a minimum average specified amount (at least £30 gross salary per week) for 13 of those weeks.

4.7 Sometimes only one parent will be eligible for ShPL. For example a self-employed mother will not be entitled to ShPL themselves but they may still pass the 'employment and earnings' test and be eligible to statutory maternity allowance so their co-parent, if they are an employee, may qualify and opt to claim ShPL. Alternatively, a self-employed co-parent will not be eligible to take ShPL themselves, but may still pass the 'employment and earnings' test, so the mother, if they are an employee, may still qualify and opt to claim ShPL in order to take their leave in discontinuous blocks, or to benefit from the enhanced entitlement to 'SPLIT' days available under the ShPL regime, as compared with the number of KIT days available under the statutory maternity leave regime.

4.8 There are additional requirements if you wish to apply for ShPP. See paragraphs 4.16 – 4.20.

## **What is the entitlement?**

### *ShPL*

- 4.9 Eligible employees may be entitled to take up to 50 weeks' ShPL during the child's first year in their family. ShPL must end no later than 1 year after the birth/placement of the child. Any ShPL not taken by the first birthday or first anniversary of placement for adoption is lost.
- 4.10 Mothers/adopters are required to take 2 weeks' compulsory maternity/adoption leave following the child's birth/placement for adoption. If they reduce their remaining statutory maternity/adoption leave entitlement, then they and/or their partner may opt-in to the ShPL system and take any remaining weeks as ShPL. If the mother/Adopter is not entitled to maternity/adoption leave, the total amount of ShPL available to the co-parent is 50 weeks less the number of weeks in which the mother/adopter has been in receipt of statutory maternity/adoption pay/allowance.
- 4.11 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before their full entitlement of 52 weeks has been taken, or they may give notice to reduce their leave at a specified future date. The mother/adopter must give their employer 8 weeks' notice to end entitlement to maternity/adoption leave early. This notice can be given before or after the child's birth/placement but it cannot end the maternity/adoption leave until at least 2 weeks after the child's birth/placement for adoption. If it is given after the birth/placement, the notice is, subject to limited exceptions (see paragraph 4.40), binding and cannot be revoked.
- 4.12 ShPL can commence as follows:
- The mother can take ShPL after she has taken the legally required two weeks<sup>3</sup> of maternity leave immediately following the birth of the child.
  - The adopter can take ShPL after taking at least 2 weeks of adoption leave.
  - The co-parent can take ShPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the co-parent cannot take paternity leave or pay once they have taken any ShPL or ShPP).
- 4.13 Once a mother/adopter gives notice to curtail their maternity/adoption entitlement, then the co-parent can take shared leave while the mother/adopter is still using their maternity/adoption entitlement (or ShPL), with the result that they are both off work at the same time.

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<sup>3</sup> 4 weeks for manual workers.

- 4.14 See paragraphs 4.23 – 4.39 for details of notification requirements.
- 4.15 ShPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of ShPL began on a Tuesday, it would finish on a Monday. Where an employee returns to work between periods of ShPL, the next period of ShPL can start on any day of the week.

### *ShPP*

- 4.16 You may be entitled to take up to 37 weeks' ShPP while taking ShPL. 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.
- 4.17 ShPP may be payable during some or all of ShPL, depending on the length and timing of the leave.
- 4.18 If you wish to claim ShPP, you must satisfy certain conditions including that:
- 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;
  - you must intend to care for the child during the week in which ShPP is payable;
  - you must have average weekly earnings for the period of 8 weeks leading up to and including the 15th week before the child's expected due date/matching date that are not less than the lower earnings limit in force for national insurance contributions;
  - you must remain in continuous employment until the 1st week of ShPP has begun;
  - you must give proper notification and provide at least 8 weeks' notice of your entitlement to ShPP.
- 4.19 Any ShPP due will be paid at the rate set by the Government for the relevant tax year, which is currently the flat rate of Statutory Maternity Pay. It will not be paid at the OMP rate.
- 4.20 If you are entitled to ShPP you must, at least 8 weeks before receiving any ShPP, give HR written notice advising of your entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take ShPL.

## **How can pay and leave be shared?**

4.21 Examples of ShPL and pay might include the following:

- The mother/adopter could end their maternity/adoption leave after 12 weeks, leaving 40 weeks (of the total of 50 available weeks of ShPL) available for ShPL and 27 weeks (of the total of 37 available weeks of ShPP) available for ShPP.
- The mother/adopter might take 32 weeks of ShPL and ShPP, with the co-parent taking the remaining 7 weeks' ShPP and up to 20 weeks' ShPL (13 weeks of which would be unpaid).
- The mother/Adopter could return to work for a period in the middle of the year with the co-parent looking after the child for that time.
- Both parents could stay at home together with the child for up to 6 months and then return to work.

4.22 ShPL can start for the other parent while the mother/adopter is still on maternity/adoption leave provided that the mother/adopter has given a curtailment notice (see paragraph 4.24). For example, a mother goes on maternity leave 10 weeks before the baby is born, and gives notice to her employer that she has decided to have 16 weeks of maternity leave. As long as she has given notice of curtailment of at least 8 weeks, her partner can start ShPL as soon as the baby is born.

## **Notification of entitlement**

4.23 If you are considering taking ShPL, you are encouraged to contact your line manager or HR to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable the NCIs to provide appropriate support. The overall process is summarized in the table below.

<b>Step 1</b>	<b>Employee</b>	<b>Employer (if aware)</b>
Becoming aware of a pregnancy or adoption match	<ul style="list-style-type: none"><li>• Is ShPL suitable?</li><li>• Considering what leave arrangements work best</li></ul>	<ul style="list-style-type: none"><li>• Discussing intentions and other leave options</li></ul>

<p><b>Step 2</b></p> <p>Choosing ShPL and notification of entitlement</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Notifying the employer of eligibility</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Discussing early intentions</li> <li>• Making early preparations and plans</li> </ul>
<p><b>Step 3</b></p> <p>Notification of a leave booking (which can be done at the same time as step 2)</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Notifying the employer of a leave booking</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Considering the impact of a leave booking</li> <li>• Discussing a leave booking</li> </ul>
<p><b>Step 4</b></p> <p>Outcome</p>	<p><b>Employee</b></p> <ul style="list-style-type: none"> <li>• Leave begins or the request is withdrawn</li> </ul>	<p><b>Employer</b></p> <ul style="list-style-type: none"> <li>• Confirm and communicate outcome</li> </ul>

4.24 In order to apply for ShPL, you will need to provide the NCIs with the correct notification by completing the relevant ShPL form at section 8, giving at least 8 weeks' notice before the date on which you wish to start ShPL and (if applicable) receive ShPP.

4.25 Upon receiving a notification of entitlement to take ShPL, your line manager will seek to arrange a (further) informal discussion with you to talk about your intentions and how you currently expect to use your ShPL entitlement.

**Do I have to take all my ShPL in one go?**

4.26 Parents can take the leave separately or together. It can be taken as a continuous period or in up to three discontinuous blocks each lasting a minimum of a week. You may ask for other arrangements, but the NCIs are not required to agree to such requests, and agreement will depend on whether they are compatible with the business needs of the department.

### ***Leave Notifications***

- 4.27 You may submit up to three separate notifications for periods of leave. Any cancellation or variation counts as a separate notification and requires 8 weeks' notice.
- 4.28 Each notification may contain either (a) a single period of weeks of leave; or (b) periods of discontinuous leave of 2 or more weeks each, where you intend to return to work between periods of leave.

### ***Continuous leave notifications***

- 4.29 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, 6 weeks in a row). You have the right to take a continuous block of leave notified in a single notification provided that:
- it does not exceed the total number of weeks of ShPL available to you (specified in the notice of entitlement); and that
  - you have given the NCIs at least 8 weeks' notice.

### ***Discontinuous leave notifications***

- 4.30 A single notification may also contain a request for 2 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 you return to work (for example, an arrangement where an employee will take 8 weeks of ShPL and work every other week for a period of three months).
- 4.31 The NCIs will consider a discontinuous leave notification but have the right to refuse it. If the leave pattern is refused you can either: withdraw your notification within 15 days and submit a new notification, or take the leave in a single continuous block. If withdrawn within 15 days, this would not count towards your entitlement to submit up to three notifications.
- 4.32 If you choose to take the leave in a single continuous block, you have until the 19th day from the date the original notification was given to choose when you want the leave period to begin. The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If you do not choose a start date, then the leave will begin on the first leave date requested in the original notification.
- 4.33 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 ShPL.

## **Booking Leave**

- 4.34 If you have held initial discussions with your line manager, you may be ready to include a leave booking notice with your notification of entitlement.
- 4.35 Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be approved in the terms stated in the employee's booking leave notice, a further meeting may not be necessary. However, if initial discussions with your line manager (see paragraphs 4.23 and 4.25) have indicated that there is potential difficulty over accommodating the leave proposed, you should arrange a further meeting with your line manager or HR to discuss the notification with a view to agreeing an arrangement that meets both your needs and those of the NCIs.
- 4.36 Where a meeting is held, it will 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 modified arrangement would be agreeable to you and the NCIs and what the outcome might be if no agreement is reached.
- 4.37 HR will confirm requests for continuous leave in writing as soon as possible.
- 4.38 If you have made a request for a discontinuous leave pattern, it will be carefully considered on a case-by-case basis and you will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. It may be granted in full or in part: for example, we may propose a modified version of the request.

## **What if I change my mind?**

### *Curtailing SML and opting into ShPL*

- 4.39 Once you have given notice of your entitlement to ShPL, you may only change your mind about curtailing maternity leave/adoption and opting into ShPL if:
- the maternity leave/adoption has not ended,
  - you have not returned to work; and
  - one of the following applies:
    - It is discovered that neither you nor your partner is, in fact, eligible for ShPL or ShPP, in which case the curtailment notice can be revoked in writing up to 8 weeks after it was given;
    - The other parent dies, in which case the curtailment notice can be revoked within a reasonable period of time;

- You gave notice before the birth/placement and it is still less than 6 weeks after the birth/placement.

#### *Variations to leave bookings*

- 4.40 You may vary or cancel an agreed and booked period of ShPL, provided that you advise the NCIs in writing at least 8 weeks before the date of any variation. Any new start date cannot be sooner than 8 weeks from the date of the variation request.
- 4.41 Any variation or cancellation notification made by you, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. However, a change as a result of a child being born early (or as a result of the NCIs requesting a change to your leave, and you being agreeable to the change) will not count as further notification. Any variation will be confirmed in writing by the NCIs.

#### **Terms and conditions during ShPL**

- 4.42 During the period of ShPL, your contract of employment continues in force and you are entitled to receive all your contractual benefits, except for salary (which is replaced by ShPP). In particular, contractual annual leave entitlement will continue to accrue.
- 4.43 ShPL is granted in addition to your normal annual holiday entitlement. As with SML, annual leave accrued during ShPL must be taken within 3 months of returning to work, along with the other conditions at paragraph 1.42
- 4.44 Pension contributions will continue to be made during any period when you are receiving ShPP but not during any period of unpaid ShPL.

#### **Returning to work after ShPL**

- 4.45 You will have been formally advised in writing of the end date of any period of ShPL. Subject to any period of annual leave that is taken immediately after, you are expected to return on the next working day after this date, unless you notify the NCIs otherwise. If you are unable to attend work due to sickness or injury, the normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 4.46 If you wish to return to work earlier than the expected return date, you may provide a written notice to vary the leave and must give us at least 8 weeks' notice of your date of early return. This will count as one of your 3 notifications. If you have already used your 3 notifications to book and/or vary leave, we do not have to accept the notice to return early, but may do so if it is considered to be reasonably practicable to do so.



- 4.47 On returning to work after ShPL you are entitled to return to the same job if your aggregate total statutory maternity/paternity/adoption leave and ShPL amounts to 26 weeks or less. The same job is the one you occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of ShPL, on the same terms and conditions of employment as if you had not been absent.
- 4.48 If your maternity/paternity/adoption leave and ShPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you 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.
- 4.49 If you also take a period of unpaid parental leave of 4 weeks or less in combination with your period of ShPL, this will have no effect on your right to return and you will still be entitled to return to the same job as you occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and ShPL do not exceed 26 weeks.
- 4.50 If you take a period of 5 or more weeks of unpaid parental leave in combination with two or more consecutive periods of "relevant statutory leave" (i.e. shared/maternity/paternity/adoption leave) where a period of ShPL is taken last then, even if the total aggregate weeks of maternity/paternity/adoption leave and ShPL combined do not exceed 26 weeks, you will be entitled to return to the same job you 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.

#### **ShPL in touch days (SPLIT days)**

- 4.51 During ShPL, your manager may need to contact you from time to time. This might be to discuss your plans to return to work, to ensure you are aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments at work during your absence. You may also find it helpful to contact your department from time to time, in addition to providing the required notice of your leave and your return to work.
- 4.52 In addition, you can have up to 20 'Shared Parental Leave In Touch' days (or 'SPLIT' days) while on ShPL (to be shared by the parents). These allow you to maintain contact or do work under the terms of your contract of service for the NCIs without losing your ShPP for the week in which the work is done, extending the period of ShPL or bringing ShPL to an end. If, while you take your SPLIT days, you are in receipt of ShPP, you will not receive any additional payment for them.

- 4.53 These SPLIT days are in addition to the 10 maternity leave KIT days to which the mother/Adopter is entitled before she curtails her maternity or adoption leave.
- 4.54 Any work undertaken is a matter for agreement between you and the NCIs.
- 4.55 With the agreement of your line manager, you may use SPLIT days to work part of a week during ShPL. SPLIT days may also be used to effect a gradual return to work towards the end of a long period of ShPL or to try out a possible flexible working pattern.

**Do I have to agree whether I will take SPLIT days?**

- 4.56 You will need to inform your manager and the HR Department that you intend to use your SPLIT days and give your manager at least two weeks' notice.

**Fraudulent Claims**

- 4.57 Where there is a suspicion that fraudulent information has been provided or where we have been informed by the HMRC that a fraudulent claim was made, we may investigate the matter further in accordance with our investigation and disciplinary procedures.

## **5. Unpaid Parental Leave**

5.1 If you have at least 1 year of service you can take unpaid parental leave to look after your child's welfare, for example to:

- spend more time with your children
- look at new schools
- settle children into new childcare arrangements
- spend more time with family – e.g. visiting grandparents.

### **Eligibility**

5.2 In order to get unpaid parental leave, the child must be under the age 18 years. The limit on how much parental leave can be taken a year is 4 weeks (unless the NCIs agree otherwise).

- Unless the NCIs agree otherwise, or the child is disabled, leave should be taken in blocks of 1 week.
- A 'week' equals the length of time an employee normally works in a week.

### **How to Apply?**

5.3 You must

- give 21 days' notice in writing before the intended start date of any unpaid parental leave;
- give 21 days' notice before the week the baby or child is expected, if you are having a baby or adopting
- confirm the start and end dates in your notice.

5.4 Employees' employment rights are protected during unpaid leave for example (the right to pay, holidays and returning to a job).

### **Is parental leave pensionable?**

5.5 No, because parental leave is unpaid it is unpensionable.

5.6 For further information, see:

<http://www.direct.gov.uk/en/Parents/Moneyandworkentitlements/WorkAndFamilies/Parentalleaveandflexibleworking/index.htm>

## **6. Useful Links**

For further reading please see the below links. If you have any questions, please contact a member of the HR department.

<http://www.maternityaction.org.uk/wp/>

[www.acas.co.uk](http://www.acas.co.uk)

<http://www.acas.org.uk/media/pdf/1/c/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf>

<https://www.gov.uk/parental-leave/overview>

<https://www.gov.uk/maternity-pay-leave/overview>

<https://www.gov.uk/paternity-pay-leave/overview>

<https://www.gov.uk/adoption-pay-leave/overview>

- The next session is due to take place from **9:00am – 4pm** on **Thursday 19<sup>th</sup> November** at **Church House Room 6** with a tour of Lambeth Palace in the afternoon.

## 7. Glossary

*Additional Maternity Leave* – Means 26 weeks’ leave taken after 26 weeks’ ordinary maternity leave. 13 weeks of this leave is paid and the remaining 13 weeks is unpaid.

*Adopter/Adopting Parent* – Means a person who has been matched with the child for adoption. In the case of two people who have been matched jointly this shall mean whichever of them elected to be the child’s adopter and take adoption leave for the child, also known as the *main adopter*.

*Child* – Means a person who is, or was when placed with an Adopter for adoption, under the age of 18.

*Compulsory Maternity Leave* - this is a period of leave imposed by law on all female employees who are prevented from returning to work for a period of 2 weeks from the date of childbirth. For some employees in manual jobs, this will be 4 weeks.

*Continuous Leave*: a period of leave that is taken in one block e.g. 4 weeks’ leave.

*Co-parent* – the child’s biological father or the spouse, civil partner, or a partner of the mother/Adopter who is living in an enduring family relationship with the mother and the child, but who is not the mother’s/Adopter’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

*Curtail*: where an eligible mother/Adopter brings their maternity/adoption leave and, if appropriate, pay or allowance entitlement to an end early. This is sometime referred to as reducing the maternity/adoption leave period or reducing the maternity/adoption pay or maternity allowance period.

*Discontinuous Leave*: a period of leave that is arranged around weeks where the employee will return to work. Employees are able to request up to three blocks of discontinuous leave.

*Expected Week of Childbirth (EWC)* - The week in which the childbirth occurs. “Week” means the week beginning with midnight between Saturday and Sunday in which it is expected that the child will be born.

*KIT Day*: Keeping in Touch Day the ability to undertake work or training during a period of maternity or adoption leave.

*Match*: when an Adopter is approved to adopt a named child or children.

*Maternity Allowance (MA)* - Payments to be made by the DWP to female employees taking maternity leave who do not qualify for statutory maternity pay.

*Occupational Adoption Pay (OAP)* – Enhanced adoption pay arrangement funded by the NCIs as an employee benefit. Qualifying periods and restrictions apply.

*Occupational Maternity Pay (OMP)* – Enhanced maternity pay arrangement funded by the NCIs as an employee benefit. Qualifying periods and restrictions apply.

*Occupational Shared Parental Pay (OShPP)* – enhanced pay arrangement funded by the NCIs as an employee benefit. Qualifying periods and restrictions apply.

*Ordinary Maternity Leave (OML)* - this is the right of all female employees to a period of 26 weeks' maternity leave regardless of length of service but provided they comply with certain notification requirements. The allowances payable are *Statutory Maternity Leave (SMP)* or *Maternity Allowance (MA)* and the paid period extends into part of the following additional maternity leave period of 26 weeks.

*Partner* - the child's biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

*Statutory Paternity Leave (SPL)* – the entitlement to up to two weeks' leave (which may be taken as either 1 week or 2 consecutive weeks and cannot be taken as 2 separate weeks or separate days) where employees have at least 26 weeks continual service with the employer, provided they satisfy certain criteria. The entitlement to leave is based on a relationship with the child's mother, so paternity and adoption leave also apply to partnerships of the same sex. NCI employees, who have more than 1 year's continuous service are entitled to *occupational paternity leave* and may take up to three weeks in blocks of one week.

*Remuneration* - Wages or salary.

*Shared Parental Leave (ShPL)* – enables eligible parents to choose how to share the care of their child during the first year of birth or adoption, up to a maximum of 50 weeks.

*SPLIT day: Shared Parental Leave in Touch Day* – the ability to undertake work or training during a period of ShPL.

*Statutory Shared Parental Pay (ShPP)* – up to 37 weeks (within the 39 weeks after the birth/placement of a child) is available to be shared between parents who opt-in to a period of ShPL.

*Statutory Adoption Pay (SAP)* – Compulsory pay payable to all employees who have had a child placed with them for adoption, provided they satisfy certain criteria.

*Statutory Maternity Pay (SMP)* - Compulsory pay payable to all female employees taking maternity leave, provided they satisfy certain criteria.

*Unpaid Parental Leave*: separate to ShPL, entitles employees to take up to 18 weeks off work unpaid to look after a child's welfare.

**Maternity Leave Application Form**

Part A – to be completed by employee

I wish to apply for maternity pay and leave

YES/NO (*please circle*)

**1. Personal Details**

<b><i>Surname (as stated on MAT.BI form):</i></b>	<b><i>Forenames:</i></b>	<b><i>Title:</i></b>
Home address:		
Job Title:		
Department:		
Work phone number:	Work email:	



## **2. Details of Maternity Leave**

Expected date of childbirth \_\_\_\_\_

(Please attach the original MAT.BI form given to you by your midwife/GP)

**Planned date of commencement of maternity leave** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

N.B. You may take maternity leave from the 11th week prior to the expected week of childbirth

You should give notice before the end of the 15th week before your expected week of childbirth of the date on which you intend to start your leave. In addition, You must give at least 28 days' notice to the NCIs of the date on which you wish your Statutory Maternity Payments (plus any Occupational Maternity Pay) to begin.

**Do you wish to be paid SMP / Maternity allowance only?                      YES / NO**

If your plans to return to work following maternity leave are still provisional you may opt to be paid Statutory Maternity Pay (SMP)/Maternity Allowance (MA) only during your maternity leave to avoid the possibility of repayment of money in excess of this later. If you do return to work for at least three months you will receive the balance of maternity pay owing to you.

If you are planning to share your maternity leave and/or pay, you will need to give at least 8 weeks' notice by completing the application form for shared maternity leave and pay.

## **3. Declaration of Pay**

Should I not return to work after my maternity leave or return for a period of less than three months, I agree to repay the NCIs any pay I have received in excess of the Statutory Maternity Pay /Allowance in force at that time.

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Part B – to be completed by Line Manager or Head of Department

The original MAT B1 form is attached and I have retained a copy of it for departmental records.

**Line Manager Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

If the post is externally funded it is the institutions responsibility to inform the sponsor that the member of staff will be taking leave. Also, that it is assumed the sponsor will bear the full cost (less maternity pay recovered from the Department of Work and Pensions) of offering maternity leave in line with the NCIs' policy.

**Return of forms**

All completed forms should be returned to:

Human Resources Department Church House Great Smith Street London SW1P 3AZ
--

Part C – to be completed by Payroll only

<b>Payroll use only:</b>		
Qualified for SMP	must return by:	
Does not qualify, issue SMP1 form:	Reason:	
Additional Comments:	Signed:	Date:

## Maternity Leave Return Form

### 1. Personal Details

Surname:	Forenames:	Title:
Home address:		
Contact telephone number:		

### 2. Maternity details

Date of birth of child:
Date of return from maternity leave: _____
N.B. You should give at least 28 days' notice of your intention to return to work, to allow your institution to make any necessary arrangements. If you give less than 28 days, your return to work may be delayed so that 28 days' notice has been given and you will receive written notification of your effective return to work date.

### **3. Annual leave**

Annual leave that has accrued during your maternity leave should be taken within 3 months of the end of your maternity leave period. The Human Resources Department can provide information regarding the calculation of annual leave during maternity leave.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### **4. Return of forms**

All completed forms should be returned to:

Human Resources Department  
Church House  
Great Smith Street  
London  
SW1P 3AZ

## **Paternity Leave Application Form**

Part A – to be completed by employee

**I wish to apply for paternity leave**

**YES/NO** (*please circle*)

### **1. Personal Details**

Surname:	Forenames:
Home Address:	
Job Title:	
Department:	
Work Phone Number:	

### **2. Details of Paternity Leave**

**Expected date baby is due:** \_\_\_\_/ \_\_\_\_/ \_\_\_\_

(please attach a copy of your wife's/partner's MATB1 form as given by their midwife/GP or adoption documentation confirming expected date of placement)

NB: original MATB1 / adoption documentation must be seen by your manager but a copy only is required with this form.

**Planned date of commencement of paternity leave:** \_\_\_\_/ \_\_\_\_/ \_\_\_\_

(leave cannot start before the baby is born and must be taken in blocks of 1 week)

**Please specify here how you intend to take your paternity leave, i.e. in one block of 3 weeks or in single 1 week blocks detailing dates below:**

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_

Part B to be completed by Line Manager or Head of Department

I have seen the original MATB1, and a copy is attached. I have agreed the dates as specified above for paternity leave to be taken.

**Line Manager Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

Please return this form to: Human Resources Department, Church House, Great Smith Street, London SW1P 3AZ

**Notice of entitlement to ShPL and ShPP and of ending of maternity pay**  
**where the mother/adopting parent is an NCI employee**

<b><i>Surname (as stated on MAT.BI form):</i></b>	<b><i>Forenames:</i></b>	<b><i>Title:</i></b>
<b><i>Other name used (professional):</i></b>		
Home address:		
Job Title:		
Department:		
Work phone:	Work email:	

Please tick the boxes or complete the information as required.

I give notice of my entitlement to shared parental leave and/or pay.

The expected week of birth will start on/ the actual date of birth was<sup>4</sup> --/--/--

I am intending to share child care responsibility with the child's other parent

\_\_\_\_\_ (name in full).

I started my maternity leave on \_\_\_\_\_.

I give notice that I wish my maternity/adoption leave to end on \_\_\_\_\_.<sup>5</sup>

I understand that this declaration is binding unless

<sup>4</sup> Delete as applicable.

<sup>5</sup> At least 8 weeks' notice is required, unless the child is born more than 8 weeks early.

- the planned end date of my maternity leave has not happened,
- I have not returned to work and
- one of the following applies
  - It is discovered that neither I nor my partner are eligible for ShPL or ShPP
  - My partner dies
  - I gave notice before the birth and it is still less than 6 weeks after the birth.

The amount of shared parental leave available is<sup>6</sup> : \_\_\_\_\_weeks paid  
 \_\_\_\_\_weeks unpaid.

**Leave Booking notice form <sup>7</sup>**

We intend to split and take our shared parental leave as follows.

Parent:

Other parent:

We intend to split and take our shared parental pay as follows

Parent:

Other parent:

[ ] I understand that these dates are binding and that I will have to notify the NCIs separately in writing and give at least 8 weeks' notice if I wish to change this leave booking .

---

<sup>6</sup> This will be 52 weeks minus any maternity leave taken/to be taken.

<sup>7</sup> You do not have to complete this at the same time as the notice of entitlement to ShPL, but remember that you will need to give at least 8 weeks' notice before taking any shared parental leave.



**DECLARATION BY EMPLOYEE (when the mother or adopting parent is an NCI employee)**

I have been working for you for 26 weeks by the end of the 15<sup>th</sup> week before the baby's due date.

I will have main caring responsibility for the baby and will inform you immediately if this changes.

I am entitled to statutory maternity leave.

I have returned to work before my maternity leave has ended/<sup>8</sup>

I have committed as stated above to ending my maternity leave early.

The information I have given is accurate

I attach

a hard copy of my child's birth certificate<sup>9</sup>

a declaration from the other parent which includes the name and address of his/her employer<sup>10</sup>

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

---

<sup>8</sup> Delete as applicable

<sup>9</sup> If you not able to provide a birth certificate at the time of making this declaration, you must provide it within 14 days. Alternatively, you may provide a signed declaration stating the date and location of the birth and stating that a birth certificate has not yet been issued.

<sup>10</sup> If there is no employer for the other parent, you must provide a declaration that there is no employer.

**DECLARATION BY OTHER PARENT (where the mother is an NCI employee)**

Please complete the details below:

Name \_\_\_\_\_

Address \_\_\_\_\_

National Insurance Number \_\_\_\_\_

Name and Address of Employer \_\_\_\_\_

I am the other parent of the child of \_\_\_\_\_ who is your employee.

I satisfy the qualifying requirements for your employee to take ShPL and ShPP:

- By the qualifying week I will have worked for my employer for continuously for at least 26 weeks;

In the 66 weeks before the EWC, my earnings were equal to or above the £30 in at least 13 of those weeks.

Along with your employee, I have or expect to have the main responsibility for the care of the child

- I consent to your employee taking the amount of leave s/he has set out in the notice attached to this declaration

I consent to you processing the information about me included in this declaration

I will be taking ShPL and ShPP as follows

Signed \_\_\_\_\_ Date \_\_\_\_\_

**Notice of entitlement to ShPL and ShPP where an NCI employee is the partner of the mother/adopting parent**

<b><i>Surname</i></b>	<b><i>Forenames</i></b>	<b><i>Title</i></b>
<b><i>Other name used (professional)</i></b>		
Home address		
Job Title:		
Department:		
Work phone:	Work email:	

Please tick the boxes or complete the information as required.

I give notice of my entitlement to shared parental leave and/or pay.

I am intending to share child care responsibility with the mother of the child/ my partner/spouse/civil partner \_\_\_\_\_ (full name)

The start and end date of the maternity leave period is from \_\_\_\_\_ to \_\_\_\_\_.<sup>11</sup>

The expected date on which the baby is due/ actual date of birth<sup>12</sup> is \_\_\_\_\_

The amount of shared parental leave available is<sup>13</sup> : \_\_\_\_\_ weeks paid  
 \_\_\_\_\_ weeks unpaid

<sup>11</sup> If the mother is not entitled to maternity leave, the amount of statutory maternity pay or maternity allowance received/to be received should be stated.

<sup>12</sup> Delete as applicable

<sup>13</sup> This will be 52 weeks minus any maternity leave taken/to be taken or, where the mother is not entitled to maternity leave, 39 weeks minus any SMP/maternity allowance received/ to be received

## **Leave Booking notice form <sup>14</sup>**

We intend to split and take our shared parental leave as follows.

Parent:

Other parent:

We intend to split and take our shared parental pay as follows

Parent:

Other parent:

[ ] I understand that these dates are binding and that I will have to notify the NCIs separately in writing and give at least 8 weeks' notice if I wish to change this leave booking .

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<sup>14</sup> You do not have to complete this at the same time as the notice of entitlement to ShPL, but remember that you will need to give at least 8 weeks' notice before taking any shared parental leave.

**DECLARATION BY EMPLOYEE (where the other parent is an NCI employee)**

I am the father of the child and/or the spouse civil partner or partner of the mother/adopting parent.

I have been working for you for 26 weeks by the end of the 15<sup>th</sup> week before the baby's due date.

I will have main caring responsibility for the baby along with the baby's mother/adopting parent and will inform you immediately if this changes.

I will inform you if the mother/adopting parent revokes the maternity leave curtailment notice.

The information I have given is accurate.

I attach

a hard copy of my child's birth certificate<sup>15</sup>

a declaration from the baby's mother/adopting parent, which includes the name and address of the baby's mother's/adopting parent's employer<sup>16</sup>

Employee's signature \_\_\_\_\_ Date \_\_\_\_\_

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<sup>15</sup> If you not able to provide a birth certificate at the time of making this declaration, you must provide it within 14 days. Alternatively, you may provide a signed declaration stating the date and location of the birth and stating that a birth certificate has not yet been issued.

<sup>16</sup> If there is no employer, you must provide a declaration that there is no employer.

**DECLARATION BY THE MOTHER/ADOPTING PARENT (where the other parent is an NCI employee)**

Please complete and tick the boxes

Name \_\_\_\_\_

Address \_\_\_\_\_

National Insurance Number \_\_\_\_\_

Expected week of childbirth \_\_\_\_\_

Qualifying week (15<sup>th</sup> week before) \_\_\_\_\_

Name and Address of Employer \_\_\_\_\_

I am the partner of \_\_\_\_\_ -

I satisfy the qualifying requirements for your employee to take ShPL and ShPP:

- By the qualifying week I will have worked for my employer continuously for at least 26 weeks in the 66 weeks before the EWC
- In the 66 weeks before the EWC, my earnings were at least £30 in at least 13 of those weeks

I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance

I am the mother or the child's other adoptive parent and will have the main caring responsibility for the baby (along with your employee)

I have ended my maternity leave by returning to work or curtailing that leave or curtailed my statutory maternity pay/maternity allowance

I consent to my partner/ the baby's father taking the leave set out in the notice to which this declaration is attached.

I consent to you as the employer of the baby's father/other parent processing the information about me included in this declaration

I agree that your employee may take ShPL and ShPP from me as follows

Signed \_\_\_\_\_ Date \_\_\_\_\_