
Family Friendly Leave Policies

HUMAN RESOURCES



Council of the
ISLES OF SCILLY

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REVISIONS TO SOURCE DOCUMENT

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Law relating to this document:

Maternity and Parental Leave etc Regulations 1999 (SI 1999/3312)
Shared Parental Leave Regulations 2014 (SI 2014/3050)
Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014 (SI 2014/3052)
Paternity and Adoption Leave Regulations 2002 (SI 2002/2788)
Statutory Maternity Pay and Statutory Adoption Pay (Curtailment) Regulations 2014 (SI 2014/3054)
Employment Rights Act 1996
Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (SI 2002/2822)
Additional Paternity Leave Regulations 2010 (SI 2010/1055)
Civil Partnership Act 2004
Parental Leave (EU Directive) Regulations 2013 (SI 2013/283)

1. INTRODUCTION

- 1.1 The Council of the Isles of Scilly recognises that, from time to time, employees may have questions or concerns relating to their family friendly rights. It is the Council's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible.
- 1.2 This policy sets out the intentions of the Council of the Isles of Scilly to support and provide for leave for a number of statutory rights that employees are entitled to, which are as follows:
- Maternity Leave and Pay
 - Maternity Support Leave (Paternity Leave) and Pay
 - Adoption Leave and Pay
 - Emergency Time Off for Dependents
 - Parental Leave
 - Carer's Leave
 - Parental Bereavement Leave and Pay
 - Shared Parental Leave
 - Neonatal Care Leave

2. MATERNITY LEAVE AND PAY

- 2.1 As the maternity provisions are complex, if an employee becomes pregnant she should clarify the relevant procedures with Human Resources to ensure that they are followed correctly.
- 2.2 The following definitions are used in this policy:
- "Expected week of childbirth" means the week, starting on a Sunday, during which the employee's doctor or midwife expects her to give birth.
- "Qualifying week" means the 15th week before the expected week of childbirth.
- 2.3 All pregnant employees (regardless of length of service) have the right in law to take up to 26 weeks' ordinary maternity leave (OML) and up to a further 26 weeks' additional maternity leave and to resume work afterwards. The employee is therefore entitled to a total period of 52 weeks' maternity leave. Additional maternity leave (AML) follows on immediately from the end of the period of ordinary maternity leave.
- 2.4 All employees who take maternity leave have the right to return to work at any time during either ordinary maternity leave or additional maternity leave (except during the first two weeks from the day of childbirth or four weeks in the case of factory workers), subject to their following the correct notification procedures as set out below.

TIMING OF MATERNITY LEAVE

- 2.5 Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:
- the employee's chosen start date;
 - the day after the employee gives birth; or
 - the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.
- 2.6 If the employee gives birth before her maternity leave was due to start, she must notify the Council in writing of the date of the birth as soon as reasonably practicable.
- 2.7 The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (four weeks in the case of factory workers).

NOTIFICATION OF PREGNANCY

- 2.8 On becoming pregnant, an employee should notify her line manager as soon as possible. This is important as there are health and safety considerations for the Council.
- 2.9 By the end of the qualifying week, or as soon as reasonably practicable afterwards, the employee is required to inform the Council in writing of:
- the fact that she is pregnant;
 - her expected week of childbirth; and
 - the date on which she intends to start her maternity leave.
- 2.10 The employee must also provide a MAT B1 form, which is a certificate from a doctor or midwife confirming the expected week of childbirth. The form must have either the doctor's name and address or the midwife's name and registration number on it.
- 2.11 The employee is permitted to bring forward her maternity leave start date, provided that she advises Human Resources in writing at least 28 days before the new start date or, if that is not possible, as soon as reasonably practicable. The employee may also postpone her maternity leave start date, provided that she advises Human Resources in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable.

- 2.12 Human Resources will formally respond in writing to the employee's notification of her leave plans within 28 days, confirming the date on which she is expected to return to work if she takes her full 52-week entitlement to maternity leave.

TIME OFF FOR ANTENATAL CARE

- 2.13 Once an employee has advised the Council that she is pregnant, she will be entitled not to be unreasonably refused paid time off work to attend antenatal appointments as advised by her doctor, registered midwife or registered health visitor.
- 2.14 In order to be entitled to take time off for antenatal care, the employee is required to produce a certificate from her doctor, registered midwife or registered health visitor, stating that she is pregnant. Except in the case of the first appointment, the employee should also produce evidence of the appointment to the Authority. Staff should complete Medical Absence Notification forms for this purpose.
- 2.15 The employee should endeavour to give her line manager as much notice as possible of antenatal appointments and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

HEALTH AND SAFETY

- 2.16 The Council has a duty to take care of the health and safety of all employees. We are also required to carry out a risk assessment to assess the workplace risks to women who are pregnant, have recently given birth or are breastfeeding where the work is of a kind that could involve a risk of harm or danger to her health and safety or the health and safety of her baby and the risk arises from either processes, working conditions or physical, chemical or biological agents in the workplace. If applicable, the Council will provide the employee with information as to any risks identified in the risk assessment. If the risk assessment reveals that the employee would be exposed to health hazards in carrying out her normal job duties, the Council will take such steps as are reasonably necessary to avoid those risks, such as altering the employee's working conditions. In some cases, this may mean offering the employee suitable alternative work (if available) on terms and conditions that are not substantially less favourable.
- 2.17 If it is not possible for the Council to alter the employee's working conditions to remove the risks to her health and there is no suitable alternative work available to offer her on a temporary basis, the Council may suspend her from work on maternity grounds until such time as there are no longer any risks to her health. This may be for the remainder of her pregnancy until the commencement of her maternity leave. If an employee is suspended in these circumstances, her employment will continue during the period of the suspension and it does not in any way affect her statutory or contractual employment and maternity rights. The employee will be entitled to her normal salary and contractual benefits during the period of her suspension, unless she has unreasonably refused an offer of suitable alternative employment.

ANNUAL LEAVE

- 2.18 Annual leave will accrue throughout the OML and AML. Public and extra statutory holidays will accrue during your OML. Annual leave should wherever possible be taken during the annual leave year to which it applies (e.g. before maternity leave commences). In exceptional circumstances where this is not possible, please discuss further with your line manager. Carryover of leave in excess of 5 days must be approved by your Senior Manager.

SICKNESS ABSENCE

- 2.19 If an employee is absent from work during pregnancy owing to sickness, she will receive normal statutory or contractual sick pay in the same manner as she would during any other sickness absence provided that she has not yet begun ordinary maternity leave. If, however, the employee is absent from work due to a pregnancy-related illness after the beginning of the fourth week before her expected week of childbirth, her maternity leave will start automatically.
- 2.20 If the employee is absent from work wholly or partly because of pregnancy during the four weeks before the expected week of childbirth, she must notify the Council in writing of this as soon as reasonably practicable.

MATERNITY LEAVE

- 2.21 All pregnant employees are entitled to take up to 26 weeks' **ordinary maternity leave** and up to 26 weeks' **additional maternity leave**, making a total of 52 weeks. This is regardless of the number of hours they work or their length of service. Additional maternity leave begins on the day after ordinary maternity leave ends.
- 2.22 Ordinary maternity leave can start at any time after the beginning of the 11th week before the employee's expected week of childbirth (unless her child is born prematurely before that date in which case it will start earlier). Maternity leave will start on whichever date is the earlier of:
- the employee's chosen start date;
 - the day after the employee gives birth; or
 - the day after any day on which the employee is absent for a pregnancy-related reason in the four weeks before the expected week of childbirth.
- 2.23 If the employee gives birth before her maternity leave was due to start, she must notify the Council in writing of the date of the birth as soon as reasonably practicable.
- 2.24 The law obliges all employees to take a minimum of two weeks of maternity leave immediately after the birth of the child (Compulsory Maternity Leave).

ORDINARY MATERNITY LEAVE

- 2.25 During the period of ordinary maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. In particular, contractual annual leave entitlement will continue to accrue and pension contributions will continue to be made. Employee contributions will be based on actual pay, while employer contributions will be based on the salary that the employee would have received had she not gone on maternity leave.
- 2.26 Salary will be replaced by SMP if the employee is eligible to receive it.

ADDITIONAL MATERNITY LEAVE

- 2.27 During the period of additional maternity leave, the employee's contract of employment continues in force and she is entitled to receive all her contractual benefits, except for salary. Contractual annual leave entitlement will continue to accrue.
- 2.28 Salary will be replaced by statutory maternity pay (SMP) for the first 13 weeks of additional maternity leave if the employee is eligible to receive it. **The remaining 13 weeks of additional maternity leave are unpaid (weeks 40 – 52).**
- 2.29 Pension contributions will continue to be made during the period when the employee is receiving SMP but not during any period of unpaid additional maternity leave. Any such period will not count towards the employee's membership of the pension scheme. However, on return from leave, or if the employee resigns, they can elect to pay contributions for this period based on the amount of pay they received (including SMP) immediately before the unpaid period began. This period of their maternity leave will then count towards their pension scheme membership. If the employee decides to make these contributions they must contact HR within 30 days of their return or resignation.

STATUTORY MATERNITY PAY

- 2.30 Statutory maternity pay is payable for up to 39 weeks during maternity leave. An employee is entitled to SMP if:
- she has been continuously employed by the Council for at least 26 weeks at the end of the qualifying week and she is still employed during that week;
 - her average weekly earnings in the period between the last normal pay day before the Saturday at the end of the qualifying week and the last normal pay day at least eight weeks before that date are not less than the lower earnings limit for national insurance contributions;
 - she is still pregnant 11 weeks before the start of the expected week of childbirth (or has already given birth);
 - she provides a MAT B1 form stating her expected week of childbirth; and
 - she gives the Council proper notification of her pregnancy in accordance with the rules set out above.
- 2.31 SMP is payable for 39 weeks at the following rates:

- for the first 6 weeks – 90% of the average weekly earnings
 - for the next 33 weeks – 90% of the average earnings or a flat rate of £187.18, whichever is lower.
- 2.32 If the employee becomes eligible for a pay rise between the start of the original calculation period and the end of her maternity leave (whether ordinary maternity leave or additional maternity leave), the higher or standard rate of SMP will be recalculated to take account of the employee's pay rise, regardless of whether SMP has already been paid. This means that the employee's SMP will be recalculated and increased retrospectively, or that she may qualify for SMP if she did not previously. The employee will be paid a lump sum to make up any difference between SMP already paid and the amount payable as a result of the pay rise.
- 2.33 Statutory maternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 2.34 Payment of SMP cannot start prior to the 11th week before the employee's expected week of childbirth. Statutory maternity pay can start from any day of the week in accordance with the date the employee starts her maternity leave.
- 2.35 Statutory maternity pay is payable whether or not the employee intends to return to work after her maternity leave.

MATERNITY ALLOWANCE

- 2.36 Employees who are not entitled to SMP may be entitled to receive maternity allowance payable directly by the Government. If an employee is not entitled to SMP, the Council will provide the employee with an SMP1 form to allow her to pursue a claim for maternity allowance.

OCCUPATIONAL MATERNITY PAY (OMP)

- 2.37 Employees with one year's continuous local government service at the 11th week before the EWC will be eligible for occupational maternity pay.
- 2.38 This will be as follows:
- for the first 6 weeks you will receive 90% of a week's pay offset against SMP/Maternity Allowance payments.
 - if you intend to return to work, then for the next 12 weeks, payment will be half a week's pay without deduction except to the extent to which half pay plus SMP/Maternity Allowance and dependants' allowance exceeds full pay. Alternatively the equivalent amount (i.e. 12 weeks' pay) may be paid on any other mutually agreed distribution, e.g. over 33 weeks.
- 2.39 The half pay is payable on condition that you return to work at the end of additional maternity leave. We therefore ask you to notify us in writing that you intend to return to

work, **21 days before you intend to start your maternity leave**. Please note we only ask you to notify us of your intentions at this stage for the purpose of determining your eligibility for the half pay. If you say you do not intend to return you can change your mind. We will write to you again three weeks before the end of your ordinary maternity leave period (see below) and it is only at this point that we will ask for your resignation if you say you do not intend to return.

- 2.40 The Contractual half pay will be repayable if you do not return to local authority employment for a minimum of three months. SMP is not refundable.
- 2.41 If you do not intend to return to work then payments during the subsequent 33 weeks shall be the employee's entitlement to SMP only.
- 2.42 If you are unsure whether you will be returning to work after your maternity leave, you may wish to suspend the 12 weeks' half pay under the Occupational Maternity Pay scheme. By selecting the option to suspend payment, you will have the opportunity at a later date to resign from the post and, as you have not received the suspended element of OMP, you will not have the obligation of its repayment as in 2.40 above. If you suspend your occupational maternity pay while you are absent on maternity and decide to return to work after your maternity leave, you will receive your 12 weeks' at half pay in your first month's salary upon your return. In order for you to retain this payment, you will be required to return to work for a minimum of 3 months (see 'Rights on or after returning to work' below).

CONTACT DURING MATERNITY LEAVE

- 2.43 Shortly before an employee's maternity leave starts, the Council will discuss the arrangements for her to keep in touch during her leave, should she wish to do so. The Council reserves the right in any event to maintain reasonable contact with the employee from time to time during her maternity leave. This may be to discuss the employee's plans for return to work, to discuss any special arrangements to be made or training to be given to ease her return to work or simply to update her on developments at work during her absence.

KEEPING-IN-TOUCH DAYS

- 2.44 Except during the first two weeks after childbirth, an employee can agree to work for the Council (or to attend training) for up to 10 days during either ordinary maternity leave or additional maternity leave without that work bringing the period of her maternity leave to an end and without loss of a week's SMP. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes. The days can be worked consecutively or on a more ad hoc basis, provided that the overall limit of 10 is not exceeded.
- 2.45 The Council has no right to require the employee to carry out any work, and the employee has no right to undertake any work, during her maternity leave. Any work undertaken, including the amount of salary paid for any work done on keeping-in-touch days, is entirely a

matter for agreement between the line manager and the employee. Any keeping-in-touch days worked do not extend the period of maternity leave. Once the keeping-in-touch days have been used up, the employee will lose a week's SMP for any week in which she agrees to work for the Council. It may also bring maternity leave to an end.

- 2.46 Although there is no legal requirement to pay you for working KIT days, the Council has elected to do so in line with your salary.
- 2.47 You will receive payment for your KIT day attendance inclusive of the daily rates of SMP and OMP you are due to receive, on the proviso that you do not earn in that week more than you would have done had you not been on maternity leave.

RETURNING TO WORK

- 2.48 There is no need for the employee to notify their line manager of the date of return to work if they plan to take their full OML and AML entitlement (52 weeks). However, if they want to return earlier than the date on which the AML period ends, 28 days notice in writing must be provided. Otherwise, the employee will be expected to return to work on the next working day following the end of their AML period.
- 2.49 If she is unable to attend work at the end of her maternity leave due to sickness or injury, the Council's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 2.50 While the employee is under no obligation to do so, it would assist the Council if she confirms as soon as convenient during her maternity leave that she will be returning to work as expected.
- 2.51 If the employee wishes to return to work earlier than the expected return date, she must give the Council at least 28 days notice of her date of early return, preferably in writing. If she fails to do so, the Council may postpone her return to such a date as will give the Council 28 days notice, provided that this is not later than the expected return date.
- 2.52 If the employee decides not to return to work after maternity leave, she must give notice of resignation as soon as possible and in accordance with the terms of her contract of employment. If the notice period would expire after maternity leave has ended, the Council may require the employee to return to work for the remainder of the notice period.

SHARED PARENTAL LEAVE

- 2.53 Shared parental leave enables mothers to commit to ending their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date.
- 2.54 Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements),

or as a number of separate blocks of leave (in which case the employee needs the Council's agreement).

- 2.55 To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the mother curtailing her maternity leave.
- 2.56 Employees can refer to the Council's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the mother's maternity leave can be curtailed. The Council's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the Council. The policy also contains more details on employees' entitlement to statutory shared parental pay/the Council's shared parental pay scheme.
- 2.57 The mother and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

RIGHTS ON AND AFTER RETURN TO WORK

- 2.58 On resuming work after ordinary maternity leave, the employee is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent.
- 2.59 On resuming work after additional maternity leave, again she is entitled to return to the same job as she occupied before commencing maternity leave on the same terms and conditions of employment as if she had not been absent. However, if it is not reasonably practicable for the Council to allow the employee to return to the same job, the Council may offer the employee suitable alternative work, on terms and conditions that are no less favourable than would have applied if she had not been absent.
- 2.60 An employee who worked full-time prior to her maternity leave has no automatic right to return to work on a part-time basis or to make other changes to her working patterns. However, all requests for part-time work or other flexible working arrangements will be considered in line with the operational requirements of the Council's business. If an employee would like this option to be considered, she should write to her line manager setting out her proposals as soon as possible in advance of her return date, so that there is adequate time for full consideration of the request.

PREMATURE BIRTH

- 2.61 Where a baby is born prematurely, the Authority will consider each case on its own merits and the action required. For example an extension of the maternity leave period might be appropriate.

DEATH OF A BABY AND STILL-BIRTH

- 2.62 If the baby dies or is still-born after 24 weeks' pregnancy, the scheme applies. Where this occurs before 24 weeks (miscarriage) the Authority will give sympathetic consideration to the

circumstances and where necessary grant special leave or sick leave, as appropriate on the basis of the individual circumstances. The decision will be advised by the needs of the employee and medical opinion.

3. MATERNITY SUPPORT LEAVE (PATERNITY LEAVE) AND PAY

- 3.1 This policy sets out the statutory rights and responsibilities of employees who wish to take paternity leave. This also covers the entitlement of employees who wish to take paternity leave in an adoption situation.

ORDINARY PATERNITY LEAVE

- 3.2 Two weeks of ordinary paternity leave is granted to any employee who is the child's father, or the partner or nominated carer of an expectant mother at or around the time of birth.
- 3.3 Ordinary paternity leave is also available to adoptive parents where a child is matched or newly placed with them for adoption. Either the adoptive father or the adoptive mother may take ordinary paternity leave where the other adoptive parent has elected to take adoption leave. A separate policy is available in respect of adoption leave.
- 3.4 To qualify for ordinary paternity leave, the employee must also have, or expect to have, responsibility for the upbringing of the child and be making the request to help care for the child or to support the child's mother.
- 3.5 Employees can take either one or two weeks of ordinary paternity leave. This must be taken in one block of one or two weeks, or in two separate blocks of one week each. The paternity leave must be taken within one year of the birth or adoption of the child.
- 3.6 Employees who wish to take both ordinary paternity leave and shared parental leave (see below) must take their period of ordinary paternity leave first. An employee cannot take ordinary paternity leave if they have already taken a period of shared parental leave in relation to the same child.

NOTIFICATION OF ORDINARY PATERNITY LEAVE

- 3.7 Where an employee wishes to request ordinary paternity leave in respect of a birth child, they must give their line manager 15 weeks' written notice of the date on which their partner's baby is due, and inform their manager that they wish to take paternity leave. Employees do not need to give the exact start date, an approximate date, for example the baby's due date, will suffice.
- 3.8 In the case of an adopted child, the employee must give written notice of their intention to take ordinary paternity leave no later than seven days after the date on which notification of the match with the child was given by the adoption agency. The notice must specify the date the child is expected to be placed for adoption, and inform the manager that they wish to take paternity leave. Employees do not need to give the exact start date, an approximate date will suffice.

- 3.9 The employee must inform their manager in writing of the dates they want to take their paternity leave, at least 28 days before they want the paternity leave to start. If an employee subsequently wishes to change the timing of the ordinary paternity leave, they must give 28 days' written notice of the new dates. The employee must also, if so requested, complete and sign a self-certificate declaring that they are entitled to ordinary paternity leave and ordinary statutory paternity pay.

ORDINARY STATUTORY PATERNITY PAY

- 3.10 The first week of Paternity leave will be paid at full pay and the second week will be paid at the ordinary statutory paternity pay rate (£187.18). Pay during ordinary paternity leave will be at a rate set by the Government for the relevant tax year, or at 90% of the employee's average weekly earnings, if this figure is lower than the Government's set weekly rate. However, employees whose average weekly earnings are below the lower earnings limit for national insurance contributions will not be eligible for ordinary statutory paternity pay.
- 3.11 Statutory paternity pay is treated as earnings and is therefore subject to PAYE and national insurance deductions.
- 3.12 Statutory paternity pay can start from any day of the week in accordance with the date the employee starts their paternity leave.

TIME OFF FOR ANTENATAL CARE

- 3.13 Employees have the right to take time off to accompany a pregnant person at up to two antenatal appointments. This time off will be unpaid.
- 3.14 To be eligible to take this form of time off, the employee must be the pregnant person's partner, or the baby's father or a new parent through surrogacy arrangement. The antenatal appointment must be made on the advice of a registered medical practitioner, midwife or nurse. The Council expects that normally no more than a day is needed for an antenatal appointment.
- 3.15 Employees who would like to make a request for time off to accompany someone at an antenatal appointment should in the first instance inform their line manager.
- 3.16 The employee should endeavour to give their line manager as much notice as possible of when they need the time off for the antenatal appointment and, wherever possible, try to arrange them as near to the start or end of the working day as possible.

4. ADOPTION LEAVE AND PAY

- 4.1 An employee who adopts a child through an approved adoption agency is entitled to up to 52 weeks' adoption leave from day one of their employment.
- 4.2 The employee's entitlement is to take up to 26 weeks' ordinary adoption leave followed immediately by up to 26 weeks' additional adoption leave. The employee's maximum entitlement is therefore to take up to 52 weeks' adoption leave.
- 4.3 All employees who take adoption leave have the right to return to work at any time during either ordinary adoption leave or additional adoption leave, subject to their following the correct notification procedures as set out below.

WHO QUALIFIES FOR STATUTORY ADOPTION PAY AND HOW MUCH WILL THE EMPLOYEE RECEIVE ?

- 4.4 Employees who take adoption leave will also qualify for statutory adoption pay, provided that they have 26 weeks' service calculated as at the week in which notification of matching was given by the adoption agency and have average weekly earnings not less than the lower earnings limit for national insurance contributions. Statutory adoption pay is payable for up to 39 weeks. In relation to adoption pay periods beginning on or after 7 April 2024, statutory adoption pay is payable at 90% of normal earnings for the first six weeks, following which it is payable at the rate set by the Government for the relevant tax year (£187.18) or 90% of normal earnings, if that is lower than the Government's rate.
- 4.5 Parents who will become the legal parents of a child under a surrogacy arrangement are entitled to take statutory adoption leave. Local authority foster parents who are also prospective adopters ("foster to adopt") are entitled to take ordinary adoption leave.
- 4.6 Statutory adoption pay is treated as earnings and is therefore subject to PAYE and national Insurance deductions.

TIMING OF ADOPTION LEAVE

- 4.7 Adoption leave can start on the day the child is placed for adoption, or up to 14 days earlier.
- 4.8 To make administration as easy as possible, the employee should discuss the timing of their adoption leave with their immediate manager as early as possible.

NOTICE REQUIREMENTS

- 4.9 To be entitled to take adoption leave and receive statutory adoption pay, the employee is required to give the Council written notification of their intention to take adoption leave no later than seven days after the date on which notification of the match with the child was provided by the adoption agency. Notice, which must be in writing if the Council requests it, must specify the date the child is expected to be placed with the employee for adoption and the date the employee intends their adoption leave to start.
- 4.10 The employee is permitted to bring forward their adoption leave start date, provided that they advise the Council in writing at least 28 days before the new start date or, if that is not

possible, as soon as reasonably practicable. The employee may also postpone their adoption leave start date, provided that they advise the Council in writing at least 28 days before the original proposed start date or, if that is not possible, as soon as reasonably practicable. The employee must also, if the Council requests it, provide evidence of entitlement to adoption leave and pay by producing a "matching certificate" from the adoption agency.

- 4.11 Within 28 days of receiving the employee's notice of intention to take adoption leave, the Council will write to the employee confirming the latest date on which the employee must return to work after adoption leave.

TIME OFF TO ATTEND ADOPTION APPOINTMENTS

- 4.12 Employees who are adopting a child are entitled to take time off to attend adoption appointments.
- 4.13 An employee adopting a child alone is entitled to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). Where an employee is part of a couple jointly adopting a child, the couple can elect for one of them to take paid time off to attend up to five adoption appointments (under s.57ZJ of the Employment Rights Act 1996). The other can elect to take unpaid time off to attend up to two adoption appointments (under s.57ZL of the Employment Rights Act 1996).
- 4.14 The purpose of the appointment is to enable the employee to have contact with the child (for example, to bond with him/her before the placement) or for any other purpose connected with the adoption (for example, to meet with the professionals involved in the care of the child).
- 4.15 The appointment must have been arranged by or at the request of the adoption agency. The time off must be taken before the date of the child's placement for adoption with the employee.
- 4.16 The Council will ask the individual for proof of the date and time of the appointment and that the appointment has been arranged by or at the request of the adoption agency (for example, a letter or email from the adoption agency).

ADOPTIONS FROM OVERSEAS

- 4.17 If an employee has adopted a child from overseas, they may still be entitled to ordinary paternity leave and shared parental leave. Special rules apply in these circumstances. For further information, please contact Human Resources.

RIGHTS DURING ADOPTION LEAVE

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

- 4.19 This means that, while sums payable by way of salary will cease, all other benefits will remain in place. For example, holiday entitlement will continue to accrue and pension contributions will continue to be paid.
- 4.20 Employees are encouraged to take any outstanding holiday due to them before the commencement of adoption leave. Employees are reminded that holiday must be taken in the year that it is earned.

CONTACT DURING ADOPTION LEAVE

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

KEEPING-IN-TOUCH DAYS

- 4.22 Employees can agree to work for the Council (or to attend training) for up to 10 days during their adoption leave without that work bringing their adoption leave to an end and without loss of a week's statutory adoption pay. These are known as "keeping-in-touch" days. Any work carried out on a day shall constitute a day's work for these purposes.
- 4.23 The Council has no right to require employees to carry out any work and employees have no right to undertake any work during their adoption leave. Any work undertaken, and the amount of salary paid for any work done on keeping-in-touch days, is entirely a matter for agreement between employees and the Council.

RETURNING TO WORK AFTER ADOPTION LEAVE

- 4.24 The employee may return to work at any time during ordinary adoption leave or additional adoption leave, provided that they give the appropriate notification. Alternatively, the employee may take their full period of adoption leave entitlement and return to work at the end of this period. If the employee wishes to return before the full period of adoption leave has elapsed, they must give at least eight weeks' notice in writing to the Council of the date on which they intend to return.
- 4.25 The employee has the right to resume working in the same job if returning to work from ordinary adoption leave. If the employee returns to work after a period of additional adoption leave, they are entitled to return either to the same job or, if this is not reasonably practicable, to another suitable job that is on terms and conditions not less favourable.
- 4.26 Failure to return to work by the end of adoption leave will be treated as an unauthorised absence unless the employee is sick and produces a current medical certificate before the end of the adoption leave period.
- 4.27 If the employee decides during adoption leave that they do not wish to return to work, they should give written notice of resignation to the Council as soon as possible and in accordance with the terms of their contract of employment.

TRANSFER OF ADOPTION LEAVE

- 4.28 Shared parental leave enables adopters to commit to ending their adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from adoption leave and opt in to shared parental leave and pay at a later date.
- 4.29 Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the Council is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of separate blocks of leave (in which case the employee needs the Council's agreement).
- 4.30 To be able to take shared parental leave, an employee and their partner must meet various eligibility requirements and have complied with the relevant curtailment, notice and evidence requirements. This includes the adopter curtailing his or her adoption leave.
- 4.31 Employees can refer to the Council's policy on shared parental leave, where they will find full details of the eligibility requirements, as well as instructions as to how the adopter's adoption leave can be curtailed. The Council's policy on shared parental leave sets out the notice periods with which employees must comply and what evidence they must provide to the Council. The policy also contains more details on employees' entitlement to statutory shared parental pay/the Council's shared parental pay scheme.
- 4.32 The adopter and the partner should ensure that they are each liaising with their own employer when making requests for shared parental leave.

5. EMERGENCY TIME OFF FOR DEPENDANTS

- 5.1 The Council operates the following policy in relation to emergency situations involving dependents. It explains the right to take time off to manage unexpected or sudden problems relating to a dependent and make any necessary longer-term arrangements.

CIRCUMSTANCES IN WHICH RIGHT TO TIME OFF FOR DEPENDANTS APPLIES

- 5.2 All employees (irrespective of length of service, and whether they are part time or full time) are entitled to take a reasonable amount of time off during working hours to take necessary action:
- to provide assistance when a dependant falls ill, gives birth or is injured.
 - to make arrangements for the provision of care for an ill or injured dependant;
 - in consequence of the death of a dependant;
 - because of the unexpected disruption or termination of arrangements for the care of a dependant;
 - to deal with an incident that involves their child and occurs unexpectedly.

5.3 A dependent is:

- a spouse;
- a civil partner;
- a child;
- a parent;
- a person who lives with the employee other than as their employee, tenant, lodger or boarder;
- any other person who would reasonably rely on the employee for assistance if they fell ill or was injured or assaulted, or who would rely on the employee to make arrangements for the provision of care in the event of illness or injury; or
- in relation to the disruption or termination of care for a dependent, any other person who reasonably relies on the employee to make arrangements for the provision of care.

PROCEDURE

5.4 An employee who needs to take time off for dependents should contact their line manager at the earliest opportunity. If the employee becomes aware of an emergency situation while at work, they should immediately speak to their line manager about leaving work early. The employee should explain:

- the reason for the absence; and
- how long they expect to be absent from work.

5.5 If the employee's line manager is unavailable, they must make a colleague aware before leaving.

5.6 If the employee is unable to contact the manager before taking time off for dependents, they should contact the manager as soon as possible.

5.7 The employee must inform the line manager as soon as possible of any change in the anticipated date of their return to work.

PAY

5.8 There is no statutory entitlement to receive pay while taking time off for dependents. Therefore, the Council does not pay employees for any time off for dependents. However, the Council may consider requests for time off under the compassionate leave policy.

HOW MUCH TIME OFF CAN BE TAKEN?

5.9 The right to time off for dependents will, in most cases, be one or two days. The employee must actively seek alternative longer-term arrangements for the care of a dependent as soon as possible after the emergency occurs.

- 5.10 If the employee is unable to make alternative arrangements, they must contact the line manager and explain why further absence is required. If further time off no longer qualifies as time off for dependents, it is at the absolute discretion of the Council whether or not to grant annual leave / discretionary unpaid leave / compassionate leave / special leave at short notice.
- 5.11 Failure to return from a period of time off for dependents may be treated as a disciplinary matter. Employees who need to care for a dependent in circumstances falling outside the right to take time off for dependents should refer to the Council's policy on flexible working.

PROVIDING FALSE INFORMATION

- 5.12 If an employee knowingly provides false information in relation to taking time off for dependents, this may be treated as a disciplinary matter, which could potentially amount to gross misconduct, rendering the employee liable to summary dismissal.

6. PARENTAL LEAVE

- 6.1 An employee is entitled to up to 18 weeks' unpaid parental leave per child if they are the birth or adoptive parent of a child who is under 18 years of age. To qualify for ordinary parental leave, employees must have completed at least one year's continuous service with the Council.
- 6.2 "Ordinary parental leave" should not be confused with shared parental leave. Shared parental leave enables mothers to commit to ending their maternity or adoption leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave and pay with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. The Council provides a separate policy on shared parental leave.

RIGHTS DURING "ORDINARY" PARENTAL LEAVE

- 6.3 Qualifying employees will be entitled to a maximum of 18 weeks' ordinary parental leave to be taken up until the child's 18th birthday. During ordinary parental leave, the employee will remain employed, although pay and most contractual benefits will be suspended. The right to accrue statutory holiday entitlement will, however, remain in place. Certain other terms of employment will remain in force. During parental leave employees will be entitled to the implied obligation of trust and confidence, and any terms and conditions of employment relating to:
- notice of termination;
 - redundancy compensation; and
 - disciplinary or grievance procedures.
- 6.4 Employees taking ordinary parental leave will be bound by the implied obligation of good faith, and any terms and conditions of employment relating to:

- notice of termination;
- disclosure of confidential information;
- the acceptance of gifts or other benefits; and
- participation in any other business.

CONDITIONS OF "ORDINARY" PARENTAL LEAVE

- 6.5 The Council has adopted the default scheme for the taking of ordinary parental leave and the following conditions apply.
- 6.6 An employee may not exercise any entitlement to ordinary parental leave unless they have complied with any request made by the Council to produce evidence of parenthood or parental responsibility. This could be in the form of a birth certificate or adoption papers.
- 6.7 The employee must give proper notice of the period of leave that they propose to take. This notice must be given to the Council at least 21 days before the date on which leave is to start and must specify the dates on which the period of leave is to begin and end.
- 6.8 Where the employee is the father of the child in respect of whom the leave is to be taken and he requests ordinary parental leave to begin when his child is born, his notice must specify the expected week of childbirth and the duration of the period of leave. The employee must give this notice at least 21 days before the expected week of childbirth.
- 6.9 Where the ordinary parental leave is in respect of an adopted child and is to begin on the date of the placement, the employee's notice must be given to the Council at least 21 days before the beginning of the week in which the child is to be placed for adoption, or as soon as is reasonably practicable thereafter. It must specify the week in which the placement is expected to occur and the duration of the period of ordinary parental leave requested.
- 6.10 The Council may postpone a period of ordinary parental leave (other than where parental leave has been requested immediately after childbirth or immediately after placement for adoption) where the Council considers that its business would be unduly disrupted if the employee were to take leave during the period requested. In such a case, the Council will allow the employee to take an equivalent period of ordinary parental leave beginning no later than six months after the commencement of the period originally requested. The Council will give notice in writing of the postponement stating the reason for it and specifying suggested dates for the employee to take parental leave. Such notice will be given no more than seven days after the employee's notice was given to the Council.
- 6.11 Employees may not take ordinary parental leave in blocks of less than one week (except in relation to a child who is disabled).
- 6.12 Employees may not take more than four weeks' leave in respect of any individual child in any year. For these purposes a year is the period of 12 months beginning when the employee first becomes entitled to ordinary parental leave in respect of the child in question, and each successive period of 12 months beginning on the anniversary of that date.

RETURN FROM "ORDINARY" PARENTAL LEAVE

- 6.13 An employee who returns to work after a period of ordinary parental leave is entitled to return to the job in which they were employed prior to the absence if it was an isolated period of leave lasting four weeks or less. If the period of parental leave followed on immediately from another period of statutory leave, the employee's right to return depends on the length of leave taken.
- 6.14 The employee has the right to return to the same job if the ordinary parental leave was the last of two or more consecutive periods of leave that did not include:
- a period of ordinary parental leave lasting more than four weeks; or
 - any period of statutory leave that, when added to any other period of statutory leave (excluding ordinary parental leave) taken in relation to the same child, means that the total amount of statutory leave taken in relation to that child totals more than 26 weeks.
- 6.15 An employee who returns to work after a period of ordinary parental leave that does not fall into the above description, for example because it follows ordinary and additional maternity leave lasting more than 26 weeks, is entitled to return to the job in which they were employed prior to the absence, or, if that is not reasonably practicable, to another job that is both suitable and appropriate in the circumstances.

7. CARER'S LEAVE

- 7.1 Employees can take unpaid time off work to provide or arrange care for a dependent who has a long-term care need.
- 7.2 Employees can take up to 1 week of unpaid Carer's leave in any 12-month rolling period. The leave can be taken all in one go, or in separate blocks of no less than half a working day at a time.
- 7.3 A long-term care need could be either:
- a disability under the Equality Act 2010, or
 - a mental or physical health condition that requires, or is likely to require, care for 3 months or more, or
 - issues relating to old age.
- 7.4 The dependent could be:
- the employee's partner, child, grandchild or parent, or
 - a person who lives in the same household as the employee (other than by reason of them being the employee's employee, tenant, lodger or boarder), or
 - someone who reasonably relies on the employee for care.
- 7.5 If an employee wish to request Carer's Leave, they must notify their manager at least three days before they want the Carer's leave to start, including:
- Informing their manager that they want to take Carer's Leave, and the day(s) or part of a day that they wish to take.

- Confirming that they will use the leave for the purpose of providing or arranging care for a dependent with a long-term care need (as defined above).
- 7.6 The employee's line manager will then consider the request, and confirm to the employee whether or not they can take leave on the day(s) requested.
- 7.7 If the line manager is unable to accommodate the leave at the time requested due to undue disruption to business operations, the employee will be informed of this in writing within 7 days of the request. The manager will also provide the employee with alternative dates when the leave could be taken, which will be within one month of the requested dates.
- 7.8 Further information about Carer's Leave can be found [here](#).

8. PARENTAL BEREAVEMENT LEAVE AND PAY

- 8.1 The death of a child is one of the worst experiences any parent can face. An employee and their partner can take time off work if their child dies before they are 18, or if they have a stillbirth after 24 weeks of pregnancy.
- 8.2 The employee can take 2 weeks leave either all in one go, or in 2 blocks of 1 week each. The leave must end within 56 weeks of the child's death. The employee can take 2 weeks leave for each child who has died.
- 8.3 If the employee wishes to take this leave within 56 days of the death, they do not need to give any notice. To take leave more than 56 days after the death, the employee should inform their manager at least 1 week beforehand.
- 8.4 If the employee is taking maternity or paternity leave, their parental bereavement leave will start at some time after that. Employees can also take this leave between blocks of Shared Parental Leave.
- 8.5 Employees will be entitled to Statutory Parental Bereavement Pay if they are the child's parent, have worked for the Council for at least 27 weeks before the child's death, earn on average more than £123 a week, and continue to be employed by the Council up to the day the child dies or is still born. This is at a fixed weekly rate set by the government.
- 8.6 Further information about Parental Bereavement Leave can be found [here](#).

9. SHARED PARENTAL LEAVE AND PAY

- 9.1 Shared Parental Leave (SPL) 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. SPL enables parents to share the caring responsibilities evenly or have one parent taking the main caring role, depending on their preferences and circumstances.
- 9.2 All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to Statutory Shared Parental Pay (ShPP). Surrogacy - Intended parents in surrogacy who meet certain criteria will also be eligible for statutory adoption leave and pay and SPL and ShPP.
- 9.3 It is the Council's policy to mirror the legislative requirements in terms of leave and pay entitlement, eligibility and notification arrangements thus reflecting the statutory rights and responsibilities of employees in respect of taking statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 9.4 The Council will offer the statutory rate of pay to employees who choose to take shared parental leave and meet the qualifying criteria for payment. Any Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year.
- 9.5 The amount of leave available is calculated using the mother'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. This means their partner could begin to take SPL while the mother is still on maternity/adoption leave.
- 9.6 Employers and employees will find that having early conversations regarding leave intentions will be beneficial, enabling them both to be clear regarding the entitlement, what leave arrangements are being considered and how any leave will be accommodated.
- 9.7 The Council may (at its absolute discretion) vary the notification requirements where it deems it appropriate to do so.
- 9.8 The Council reserves the right to check details provided in respect of a partner's employer/employment and relevant arrangements.
- 9.9 The Council can, where there is a suspicion that fraudulent information may have been provided or where the organisation has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual company investigation and disciplinary procedures, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

WHAT HAPPENS TO MATERNITY / ADOPTION / PATERNITY LEAVE?

- 9.10 Parents will remain entitled to take maternity, paternity and adoption leave. However, an eligible mother or adopter may now choose to reduce their maternity/adoption leave early and opt in to SPL.

- 9.11 A birth mother must take at least two weeks maternity leave following the birth of a child (four weeks for manual work in a factory environment) but can otherwise choose to end her maternity leave at any stage. An adopter can end their adoption leave once they have taken it for two weeks.

ELIGIBILITY FOR SHARED PARENTAL LEAVE

- 9.12 To trigger the right to SPL for one or both parents, the mother/adopter must:
- have a partner
 - be entitled to maternity/adoption leave; or to statutory maternity/adoption pay or maternity allowance (if not eligible for maternity/adoption leave)
 - have curtailed, or given notice to reduce, their maternity/adoption leave, or their pay/allowance (if not eligible for maternity/adoption leave).
- 9.13 A partner who intends to take SPL must:
- be an employee
 - share the primary responsibility for the child with the other parent 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.
- 9.14 In addition, a parent wanting to take SPL is required to satisfy the ‘continuity of employment test’ and their partner must meet the ‘employment and earnings test’.

Continuity of employment test

The individual has worked for the same employer for at least 26 weeks at the end of the 15th week before the child’s expected due date/matching date and is still working for the employer at the start of each leave period.

Employment and earnings test

In the 66 weeks leading up to the baby’s expected due date/ matching date, the person has worked for at least 26 weeks and earned an average of at least £30 (as of 2015) a week in any 13 weeks.

- 9.15 Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves but they may still pass the employment and earnings test so their partner, if they are an employee, may still qualify for SPL allowing them to request to take their leave in discontinuous blocks (see below).
- 9.16 If both parents are employees and both meet the qualifying requirements then there will be a joint entitlement and the parents will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/adoption leave.
- 9.17 The mother can share her leave with only one other person.

ENTITLEMENT TO SHARED PARENTAL LEAVE

- 9.18 Eligible parents will be able to share a maximum of 50 weeks leave and 37 weeks statutory pay (calculated with 2 weeks compulsory leave removed), for the purpose of caring for a child within the first year of the child's life or in the year after the child is placed for adoption.
- 9.19 Shared parental leave cannot be taken until after the birth/placing of the child.
- 9.20 Partners do not have to work for the Council of the Isles of Scilly but they must satisfy minimum employment and earnings criteria as per legislation.

CONSIDERING IF SHARED PARENTAL LEAVE IS SUITABLE

- 9.21 Not everyone will meet the criteria to qualify for SPL but even those who are eligible may find that other arrangements suit them better. It will be sensible for parents to give serious consideration as to which option will be most beneficial to their situation.
- 9.22 In relation to SPL, considerations may include:
- Whether one or both parents qualify for SPL and how they would like to share the care of the child?
 - Whether the mother is prepared to reduce their maternity/adoption leave?
 - Is there a contractual entitlement to enhanced maternity/adoption/ paternity/SPL pay and would reducing the mother's maternity/adoption leave impact on this?
 - Availability of other legal rights (such as flexible working requests, annual leave and parental leave) and how they could work alongside SPL?
 - The wider financial implications to the family e.g. pay and pensions.
- 9.23 If parents don't choose SPL at first, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, a mother may choose to reduce their maternity leave by two months, giving their partner the chance to take those two months as SPL (provided they give eight weeks' notice to their employer and take the SPL within a year of the birth/adoption).

PERIODS OF LEAVE

- 9.24 The first two weeks following birth are compulsory maternity leave and have to be taken by the mother; the maximum amount of SPL available is therefore 50 weeks.
- 9.25 Leave must be taken in blocks of complete weeks, as one continuous period of leave or a number of discontinuous periods.
- A 'Continuous Block' of leave is an entitlement regardless of agreement by the employer if the SPL procedure has been followed correctly.
 - 'Discontinuous Blocks' of leave may be refused by the employer and automatically become one continuous block of leave if refused (unless the SPL request is withdrawn).
- 9.26 Parents can decide to be off work at the same time or take it in turns.
- 9.27 The SPL entitlement must be taken within 52 weeks of birth/match date.

9.28 Shared Parental Leave can:

- start on any day of the week
- only be taken in complete weeks (so if SPL lasts for one week and begins on a Tuesday it will finish on the following Monday)
- be taken using three separate notices to book leave (although an employer could decide to accept more)
- be taken by the partner, while the mother is still on maternity/adoption leave if the mother reduces their entitlement to maternity/adoption leave.

INFORMAL AND FORMAL PROCESS

9.29 Informal Discussion

The employee may wish to discuss the possibility of taking SPL with their line manager, and this will be helpful as it enables the needs and options of employer and employee to be considered and understood by both parties at an early stage. It is also an opportunity for everyone to review the requirements of the formal process so that they are clear what steps must be taken. Advice should also be sought from Human Resources.

Having an early discussion can be helpful for an employee to explore options, find out what discontinuous leave arrangements the employer may be agreeable to, and what plans the employer has to accommodate the leave. It is good practice for employees and employers to do this before formal notices to book leave are given.

9.30 Formal Process

To take SPL and ShPP, the employee must provide the employer with various notices containing information specified by law and this must be done within specified timescales.

Those notices can be provided either by the employee who is the parent who was entitled to maternity/adoption leave or the partner of such a parent or both (if they are both employed by the Council).

When a notice is received, the employer should check that all the information on the form has been provided within the appropriate timescale and then meet with the employee and confirm the response. The manager may wish to consult Human Resources when a notice is received for further advice, however the full details of the required process can be found at the following links to <http://www.acas.org.uk/>

9.31 Notifications

The forms which must be completed by the employee and provided to their line manager are available on the Shared Drive/ Human Resources. Briefly, the notices required are:

- A Notice to Curtail existing leave and pay if the employee is currently on maternity/adoption leave and pay. This is because SPL and ShPP cannot be taken at the same time as maternity/adoption leave.
- A Notice of Entitlement to take SPL at least 8 weeks before the first period of leave is to begin. This will confirm the employee's eligibility against certain criteria.
- A Notice to Book leave at least 8 weeks before the period of leave begins. This will specify the dates to be taken as leave.

- 9.32 Each notice to book SPL can be for either a 'continuous' block or multiple 'discontinuous' blocks.
- 9.33 Notifying an employer of a continuous block means taking an unbroken period of leave. For example, this could be a notification for a period of six weeks' leave. Eligible employees have a statutory right to take SPL in this way and an employer cannot refuse it.
- 9.34 Requesting a discontinuous block means asking for leave over a period of time, with breaks between the leave where the employee returns to work. For example, four weeks' SPL followed by three weeks back at work, followed by a further four weeks' SPL. Discontinuous leave, in a single notice, can only be taken with the employer's agreement and is most likely to be accepted where the needs of the employer and employee have both been considered.
- 9.35 Once a request for discontinuous leave is made the employee and employer will have a discussion period of 14 calendar days to talk about the request.
- 9.36 If a request for discontinuous leave is not agreed then the total amount of leave in the request must be taken as one continuous block unless the employee withdraws their notice and submits a new request.
- 9.37 Provided that both parents qualify for SPL you can choose to take leave at the same time as your partner or you can take your leave separately. You may take one or more periods of shared parental leave per pregnancy or adoption.

Factors for employees

- essential dates where leave must take place
- leave needs of partner
- desire for and availability of childcare options
- impact on career/pension etc
- the need to maintain own wellbeing.

Factors for employer

- important events/days planned
- any challenging/busy periods coming up
- how the role will be covered
- staffing issues during the period
- customer impact in client-facing

- 9.38 Finally, for both types of SPL arrangements, it is important to consider how reliant a parent is on the proposed pattern the other parent is seeking to agree. Where both parents are taking continuous leave, this consideration is minimal because the patterns must be accepted by the respective employers. Where the care of the child is dependent on one or both of the parents agreeing discontinuous leave arrangements and one is refused, one or both parents may need to withdraw their notification and make new amended ones.
- 9.39 **Action required by Managers on receipt of formal notices**
The line manager must liaise immediately with Payroll as soon as a formal notice relating to SPL/ShPP is received from an employee, otherwise the employee will receive incorrect pay.

STATUTORY SHARED PARENTAL PAY (ShPP)

- 9.40 If the mother is entitled to Statutory Maternity/Adoption Pay/Allowance and she gives notice to curtail her entitlement, the remaining weeks' pay become available as ShPP.
- 9.41 A mother, subject to certain criteria, will be entitled to statutory maternity pay/adoption pay/Maternity Allowance for up to 39 weeks. If the mother gives notice to reduce their entitlement before they have received it for 39 weeks any remaining weeks could become available as ShPP.
- 9.42 Information on the current statutory rate for ShPP can be found at <https://www.gov.uk/shared-parental-leave-and-pay/what-youll-get> . If both parents qualify for ShPP they must decide who will receive it, or how it will be divided, and they must each inform their employer of their entitlement.
- 9.43 To qualify for ShPP an employee needs to have met the 'continuity of employment test' and their partner must meet the 'employment and earnings test', just like SPL. In addition, the employee must also have earned above the 'Lower Earnings Limit' in the 8 weeks leading up to and including the 15th week before the child's due date/matching date and still be employed with the same employer at the start of the first period of ShPP.
- 9.44 If an employee's employment comes to an end while they are still entitled to some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

TERMS, CONDITIONS AND RIGHTS DURING SPL

- 9.45 All terms & conditions of employment remain during a period of SPL except that of normal pay. This means, for example, that annual leave is accrued and those on parental leave must be consulted regarding any proposed re-structure. They are also entitled to be offered any suitable alternative vacancy in a redundancy situation.
- 9.46 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 laptop and mobile phone) 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 Shared Parental Pay (ShPP) but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.
- 9.47 Just like maternity, adoption and paternity leave employees still accrue annual leave while on SPL. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the

employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

- 9.48 You have the right to return to the same job if you have been on shared parental leave plus any other type of leave for 26 weeks or less. If you have been on leave for more than 26 weeks you have the right to return to the same job unless this is not reasonably practicable. If due to organisational change your role no longer exists you would be managed in accordance with other employees in the service area.

KEEPING IN TOUCH DURING SPL

- 9.49 The employer can maintain reasonable contact with the employee whilst on SPL. In addition, up to 20 'Shared Parental Leave in Touch' Days (SPLIT Days) can be worked by the employee but these must be mutually agreed and there is no obligation for either employee or employer to offer or accept them.
- 9.50 An employee can agree to work for the Council (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.
- 9.51 The Council 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 Council and the employee. An employee taking a SPLIT day will receive contractual 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.
- 9.52 An employee, with the agreement of the Council, may use SPLIT days to work part of a week during SPL. The Council and the employee may use SPLIT days to affect 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.
- 9.53 The 20 SPLIT days per parent are in addition to the 10 KIT days the mother could take on her maternity leave.

RETURNING TO WORK AFTER SPL

- 9.54 The employee has the right to return to the same job if returning within 26 weeks or less. After 26 weeks, there is a right to return to the same job unless it is not reasonably practicable. In these circumstances the employee has the right to return to another suitable role.

- 9.55 The employee will have been formally advised in writing by payroll 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 Council otherwise.
- 9.56 If an employee is unable to attend work due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.
- 9.57 If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the Council at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the Council does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

I WOULD LIKE TO ARRANGE SHARED PARENTAL LEAVE – WHAT ACTION IS REQUIRED?

9.58 **Complete Annex 1: Curtailment notice**

Anyone eligible and intending to take shared parental leave must submit a maternity/adoption leave curtailment notice, giving at least 8 weeks' notice stating that they wish to end their maternity or adoption leave early. By not doing so (or not opting into SPL), employees are automatically on maternity and/or paternity policies. Once the employee has ended their maternity/adoption leave, and have returned to work they will only be entitled to statutory pay during periods of shared parental leave. At that point they cannot revert back onto maternity/adoption leave.

If the mother is not entitled to maternity/adoption leave (for example because they are self-employed), they must have ended, or given notice to reduce, their maternity/adoption pay period or maternity allowance period, for their partner to be eligible for SPL.

9.59 **Complete Annex 2a (if mother is employee) or Annex 2b (if partner is employee) - Notice of Intention to take Shared Parental Leave**

If you decide to take SPL instead of traditional maternity leave, a notice of entitlement and intention to take shared parental leave must be submitted using Annex 2a (if mother) or 2b (if partner). This should be submitted at the same time as the maternity/adoption curtailment notice and cannot be later than 8 weeks before the date of the first period of shared parental leave. The notice of intention to take SPL must include:

- how many weeks maternity/adoption leave (or maternity/adoption pay or maternity allowance if the mother was not eligible for maternity/adoption leave) has been/will be taken
- how much leave both parents are entitled to take
- how much leave each parent intends to take
- when they expect to take their leave
- the signatures of both parents.

The notice of entitlement must be accompanied by a declaration from the employee's partner that at the time of the birth they:

- share the main responsibility for the care of the child with the employee

- meet the employment and earnings test
- consent to the employee taking the number of weeks of SPL specified in the employee's notice of entitlement.

9.60 **Complete Annex 3 - Notice to Book Leave 3**

You must have already submitted a notice of entitlement and intention before using this form.

The start date of the first period of SPL that you wish to take must be at least 8 weeks after you have provided this notice.

A request for a single block of SPL must be accepted (if eligible and entitled). If a request is for more than a single block, the Manager may:

- Agree to your request
- Decline your request due to organisation need
- Propose alternative dates

Although a request for discontinuous leave can be refused, the entitlement remains and the number of weeks requested in the notice will default to a single block of continuous leave. If you do not want this you will need to withdraw your notice and submit a new request (see the Default Provisions in the next section)

Up to three separate requests for periods of shared parental leave and three withdrawal notices may be submitted. Any periods of leave that have been declined do not count towards these totals.

DEFAULT PROVISIONS (FOR DISCONTINUOUS LEAVE ONLY)

- 9.61 Understanding the default provisions is essential because they could make the difference between an employee withdrawing their notification (and possibly applying again) or taking a continuous block of SPL instead.

Within 14 calendar days of the original notification...

If an agreement is reached regarding when the employee will take their leave, no default provisions will apply. If no agreement is reached or the employer refuses the discontinuous leave notification or the employer makes no response to a discontinuous leave notification, the default provisions will apply.

Within 15 calendar days of the original notification...

If no agreement is reached, the employee may withdraw their discontinuous leave notification. If the employee does withdraw the request it will not count as one of their three notices to book leave. If the employee does not withdraw their request, the discontinuous leave notification automatically defaults to a period of continuous leave.

Within 19 calendar days of the original notification...

The employee can choose when the continuous leave will commence but it cannot start sooner than eight weeks from the date the original notification was given. If the employee does not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

POTENTIAL OUTCOMES OF SHARED PARENTAL LEAVE REQUESTS

9.62 Depending on the circumstances involved, there are four possible outcomes once we have received, considered and discussed a notice to book SPL:

- A. Accept a leave notification
- B. Confirm and agree modification to a leave notification
- C. Refuse a leave notification (discontinuous leave only)
- D. No response to a leave notification

A. Accept a leave notification

9.63 Agreement will be confirmed in writing within 14 calendar days of notification being received, confirming the relevant leave dates being taken. A continuous leave notification must be accepted (where the employee is eligible and entitled).

B. Confirm an agreed modification to a leave notification

9.64 If the employer and employee agree a different discontinuous leave arrangement to the one originally requested by the employee, both should confirm their agreement, ideally in writing, within 14 calendar days of the date the notification was received, confirming the agreed dates. The new arrangement could include different dates/duration to the pattern originally requested or could be a move to a continuous leave arrangement instead.

9.65 There is no legal requirement for an employee to change a continuous leave notification but if they are agreeable to a modification then this may be agreed instead. An employee should not be put under any pressure to change the period or face any detriment if they refuse.

9.66 A modification in either of these instances will not count as a further statutory notification and this should be confirmed in writing.

C. Refuse a leave notification (discontinuous leave only)

9.67 Where the employer is not immediately agreeable to a notification for discontinuous leave they should always seek to arrange a meeting to discuss the request with the employee. If the notification remains unacceptable to an employer, they should provide the following, ideally in writing, within 14 calendar days of the date the notification was given:

9.68 Proposed alternative dates (wherever the option is viable) for the employee to consider
AND

A confirmation of their refusal

AND

Clear information on what options are now available to the employee i.e. withdraw, move to the default provisions or agree a modified arrangement.

9.69 If no agreement is reached then the employee and employer need to be mindful of the default provisions (see Default Provisions section 11.0)

D. No response to a leave notification

9.70 We hope that this possible outcome would be avoided in all cases! If you haven't had a response to your request please follow it up with your manager to check your notification has

been received. A continuous leave notification must be accepted. If no response is made to such a notification the employee has the right to take the leave as outlined in the notification.

- 9.71 If a response is not provided to a request for discontinuous leave it will be regarded as having been refused and the employee and the employer need to be mindful of the default provisions.

WHAT HAPPENS IF PARENTS CHANGE THEIR MINDS ABOUT OPTING IN TO SPL?

- 9.72 Once the mother has given notice to end maternity/adoption leave and either parent has informed their employer of their entitlement to take SPL then the notice to end maternity leave is binding and cannot be withdrawn unless:
- within eight weeks of the mother submitting notice to end their maternity/adoption leave it transpires that neither parent qualifies for SPL or ShPP
 - when notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth
 - the mother's partner dies.

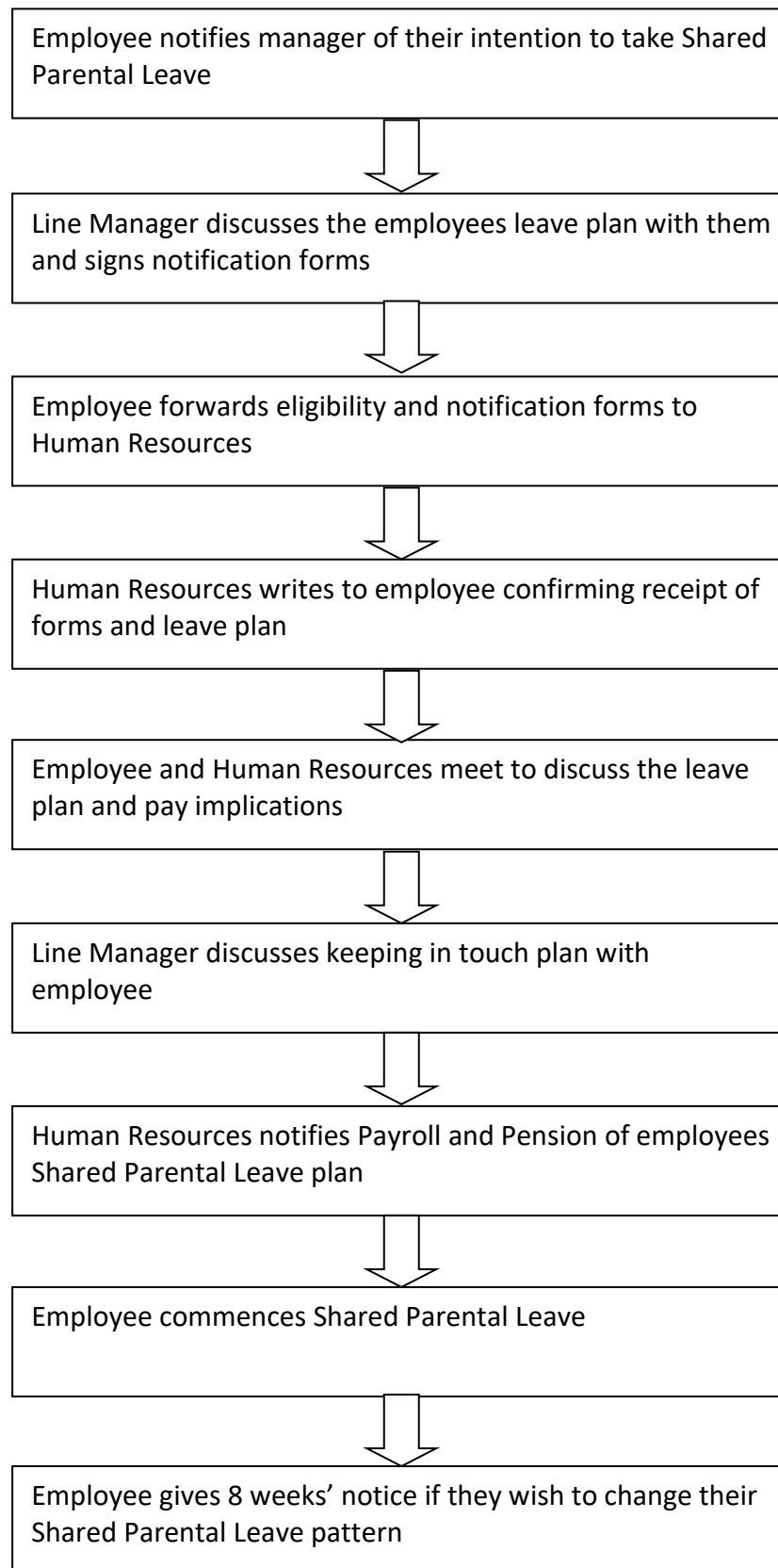
WHAT HAPPENS IF PARENTS CHANGE THEIR MINDS ABOUT HOW THEY DIVIDE THEIR SPL?

- 9.73 If there is a joint entitlement to SPL, parents will have notified their respective employers of how much leave they each intend to take as part of the entitlement notice. They can vary this allocation of leave between them at any stage. To vary this, both parents must notify each employer in writing of the following:
- details of their original division of leave
 - advising of the fact they are changing it
 - advising how they now intend to take the available SPL.
- 9.74 Both parents must sign the notice to confirm that they are in agreement with the variation. If leave was booked that will no longer take place, a notice to vary leave must also be made.

REQUEST TO CHANGE / VARY PERIOD OF LEAVE – FORM 4

- 9.75 Situations will arise where an employee may need to vary or cancel a period of booked leave. An employee should give written notice to vary/cancel their leave and make clear what change they are seeking. Any variation must be made at least eight weeks before the dates varied begin.
- 9.76 A notice to vary booked SPL will count as a further notification. Therefore if the employee had originally agreed the leave as part of their first notice to book SPL, cancelling or varying the leave would count as a second notification, meaning, unless the employer allowed them to give more notices, they would only have one further notification to use any remaining leave.
- 9.77 If the employee has already used up all of their notifications the employer is under no obligation to agree to vary/cancel the leave but could still consider the request and decide whether it is reasonably practicable to grant it.
- 9.78 Instances where the employer proposes a variation to leave, and the employee is agreeable, would not count as a further notification and this should be confirmed in writing.

APPENDIX 1 – SHARED PARENTAL LEAVE FLOWCHART



10. NEONATAL CARE LEAVE

- 10.1 The Neonatal Care (Leave and Pay) Act 2023 received Royal Assent on 24 May 2023 and comes into force on 6 April 2025. The Council has introduced support for parents of babies who require neonatal care (for at least seven consecutive days) before the baby reaches 28 days of life. The right to Statutory Neonatal Care Leave (SNCL) is a 'day one' right, meaning that it is available to employees no matter how long they have worked for the Council.
- 10.2 We know that some parents reading this policy may have a baby in neonatal care or have experienced loss. This policy provides information about your rights, including in difficult circumstances. If you would prefer to speak to someone directly, please contact your manager.
- 10.3 If you are the parent of a baby who is admitted into neonatal care within 28 days of birth, and who has a continuous stay in hospital of 7 continuous days or longer, you may be eligible to take Statutory Neonatal Care Leave (SNCL). This is in addition to any other statutory family leave to which you may be entitled.
- 10.4 You can take SNCL either whilst your baby is receiving neonatal care, or at a later date but within 68 weeks of the baby's birth (for example if you are on maternity leave when your baby is receiving neonatal care, you may 'tag' the SNCL onto the end of your maternity leave).
- 10.5 The main purpose of SNCL is to provide dedicated time to spend with, and care for, your baby while they are receiving neonatal care. However, in the very sad circumstance where the baby dies after SNCL has commenced, you would still be able to take the remainder of the 12 weeks of SNCL, as the care requirement is disapplied in this situation.
- 10.6 SNCL is available to you from your first day of employment.
To be eligible, you must be:
- the baby's parent, or
 - the baby's intended parent (via surrogacy or adoption), or
 - partner to the baby's mother. (A 'partner' is defined as a person who:
 - lives with the baby's mother or adopter, and
 - is in an enduring family relationship with the expectation that you will have responsibility for raising the child, and
 - is **not a relative** (parent, grandparent, grandchild, sibling, aunt, uncle, niece or nephew).
- 10.7 There are three categories of medical care which count as 'Neonatal Care' for the purpose of SNCL:
- a) any medical care received in a hospital
 - b) medical care received elsewhere following discharge from hospital, if the care is under the direction of a consultant and includes ongoing monitoring and visits to the child by healthcare professionals
 - c) palliative or end of life care.

- 10.8 To qualify for SNCL, the baby must also be born on or after 6 April 2025.
- 10.9 If you meet the above eligibility criteria, you can take up to 12 weeks of SNCL on top of any other leave you may be entitled to, including maternity and paternity leave. The length of SNCL will be dependent on how long the baby receives neonatal care, but is capped at a maximum of 12 weeks. You are entitled to take one week of SNCL for each week the baby receives continuous neonatal care.
- 10.10 SNCL is taken in full weeks. The first week of SNCL entitlement begins on the day after neonatal care started. SNCL entitlement ends on the 7th day of the week in which your baby stops receiving neonatal care.
- 10.11 If you are a parent of twins or other multiple births, you can accrue Statutory Neonatal Care Leave in respect of each child if they receive neonatal care at different times, but SNCL is still capped at a total maximum of 12 weeks.
- 10.12 SNCL must be taken within **68 weeks** of your baby's birth (or placement or entry to the UK in the event of adoption).
- 10.13 You can choose to take your SNCL either:
- whilst your baby is receiving neonatal care (and up to one week after discharge) – this is called taking SNCL in the **Tier 1 period**. (For example, if your partner has given birth and your Paternity Leave has run out while your baby is still in hospital),
or
 - at a time of your choosing after your baby's neonatal care has ended – this is called taking SNCL in the **Tier 2 period**. (For example, if you were on Maternity Leave at the time your baby was in neonatal care for 6 weeks, you can add 6 weeks of NCL onto the end of your Maternity Leave later).
- 10.14 SNCL taken during the **Tier 1 Period** (i.e. whilst your baby is receiving neonatal care) can be taken in non-continuous blocks of a minimum of one week at a time.
- 10.15 SNCL taken during the **Tier 2 Period** (i.e. after your baby's neonatal care has ended) must be taken in one continuous block.
- 10.16 If your child requires a significant hospital admission after they are 28 days old, or their medical care does not fit into the three categories of medical care set out above, then unfortunately you would not meet the government's eligibility criteria for Statutory Neonatal Care Leave. In this instance, please speak to your manager who will work with you to identify other ways we can support you during this time.

BEFORE NEO-NATAL CARE LEAVE

- 10.17 Communication:** Before you take SNCL you must inform your manager of your intention to take SNCL including:
- Your name
 - Your baby's date of birth (or date of placement/entry to the UK if adopting)

- The start date of neonatal care
- The date neonatal care ended (unless neonatal care is ongoing)
- The dates when you want to take NCL (start and end date(s))
- That NCL is being taken to care for the baby
- That you are eligible to take NCL due to your relationship with the baby

10.18 Prior notice:

- If you want to take your SNCL **whilst your baby is receiving neonatal care (the Tier 1 period)** notice should be given to your manager as soon as it is reasonably practicable.
- If you want to take your SNCL at another time, **after your baby's neonatal care has stopped (the Tier 2 period)**, then the following notice requirements apply:
 - If you want to take one single week of NCL, you must inform your manager in writing what dates you want to take your NCL (or if you would like to change the dates of NCL you have already arranged) at least 15 days' before the date you want the NCL to start.
 - If you want to take two or more consecutive weeks of NCL, you must inform your manager in writing what dates you want to take your NCL (or if you would like to change the dates of NCL you have already arranged) at least 15 days' before the date you want the NCL to start.
- The above notice requirements can be waived by mutual agreement between you and the organisation.

10.19 Confidentiality & Data Protection:

- Your baby's medical conditions are private under data protection legislation. You are not under any requirement to divulge any information about your baby's medical needs/condition to us.
- You do not need to divulge to your colleagues what type of leave you are taking from work either, this too is confidential.

10.20 We understand that a traumatic birth and/or your baby spending time in a neonatal intensive unit could manifest in both physical and mental health impacts for yourself as a parent, both at the time and possibly in the longer term too. Please let your manager know if there is any support you would find helpful at this time, or subsequently.

DURING NEO-NATAL CARE LEAVE:

10.21 Statutory Neonatal Care Pay (SNCP):

- You will receive Statutory Neonatal Care Pay (SNCP) if you meet the government's qualifying requirements, which can be found here: <https://workingfamilies.org.uk/articles/neonatal-leave-and-pay/>.
- SNCP is a [fixed weekly rate](#) decided by the Government, or 90% of your average weekly earnings, whichever is lower. You will be paid on your normal pay days with tax, National Insurance and pension contributions deducted.

10.22 Communication: If you are taking your Statutory Neonatal Care Leave whilst your baby is receiving neonatal care (the Tier 1 period), then you must inform your manager of the date that neonatal care ends, as soon as is reasonably practicable after that date.

10.23 Holiday leave: You will continue to build up holiday leave during SNCL

10.24 Keeping in Touch: We will keep in touch as much or as little as you prefer. If there is any support that would be helpful for you during this time, please do let us know.

10.25 Pension contributions: the organisation will make the usual employer pension contributions during any periods of paid SNCL as though you were receiving full pay, whereas any minimum employee contributions will be reduced to account for your reduced pay. Pension contributions will cease for any periods of SNCL which are unpaid.

10.26 Preparing to return to work: If you return to work at the end of your full entitlement of SNCL (12 weeks), you do not need to give prior notice of this. If you intend to return on a different date, please provide as much written notice as you are able to, to assist us with planning at work.

AFTER NEO-NATAL CARE LEAVE:

10.27 You can return to the same job, or if your total period of leave (for example combining maternity and neonatal leave) is more than 26 weeks then you have the right to return to work in the same job or an alternate job on terms that are no worse.

10.28 To request a change to your hours of work, you can make a Flexible Working Request.

ANNEX 1: CURTAILMENT OF MATERNITY LEAVE AND PAY (FOR MOTHER'S EMPLOYER)

SECTION A: General (must be completed)	
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)	
SECTION B: Curtailing maternity leave (must be completed)	
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	
SECTION C: Curtailing maternity pay (only complete if claiming ShPP)	
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	
SECTION D: Signature (must be completed)	
Signature of mother	
Date signed	

ANNEX 2A: NOTIFICATION THAT MOTHER IS INTENDING TO TAKE SPL (FOR MOTHER'S EMPLOYER)

SECTION A: General (must be completed)	
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)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
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)	
SECTION C: Amount of SPL available (must be completed)	
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	
SECTION D: Indication of Mother's leave intentions (must be completed but is not binding)	
I (the mother) currently expect to take SPL as follows:	
Note: It will usually be helpful to answer this in a "From... To..." format	

SECTION E: Amount of ShPP available (only complete if claiming ShPP)	
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	
SECTION F: Mother's declaration (must be completed)	
<p>The following points apply in all circumstances where a mother is entitled to maternity leave:</p> <ul style="list-style-type: none"> • I am giving notice that I am entitled to and intend to take SPL • I have, or will have, been continuously employed for 26 weeks at the end of the 15th 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 the child at the time of the child's birth (along with my partner who has made the declaration below) • I am entitled to maternity leave, my maternity leave period is reduced and the remaining weeks are now available as SPL • I will inform my employer immediately if I am no longer caring for my child • 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 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 • 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 <p>The following points only apply if Section E has been completed:</p> <ul style="list-style-type: none"> • 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 15th 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 	
Signature of mother	
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

Signature of partner	
Date partner signed	

ANNEX 2B: NOTICE CONFIRMING THAT PARTNER IS TAKING SPL BUT MOTHER IS NOT (FOR MOTHER'S EMPLOYER)

SECTION A: General (must be completed)	
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)	
SECTION B: Confirmation	
<ul style="list-style-type: none"> • I am either not entitled to SPL (or ShPP where relevant), or I do not intend to take SPL (or claim ShPP where relevant) • I declare that my partner has given a notice to their employer to take SPL and/or ShPP. • I consent to my partner's intended claim for SPL and/or ShPP. 	
SECTION C: Signature (must be completed)	
Signature of mother	
Date signed	

ANNEX 2C: NOTIFICATION THAT PARTNER IS INTENDING TO TAKE SPL (FOR PARTNER'S EMPLOYER)

SECTION A: General (must be completed)	
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)	
SECTION B: Maternity entitlement details (all answers that apply must be completed)	
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 C: Amount of SPL available (must be completed)

The total number of weeks of SPL created depends on the mothers leave and pay entitlements:

- If the mother was/is entitled to maternity leave and SMP/MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is entitled to maternity leave but not to SMP or MA, the total created will be 52 weeks less any weeks maternity leave taken
- If the mother was/is not entitled to maternity leave but was entitled to SMP/MA, the total created will be 52 weeks less any weeks of SMP/MA that was paid
- If the mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted

Total number of weeks of SPL created (50 max)	
---	--

Total number of weeks of SPL I (the partner) intend to take	
---	--

Total number of weeks of SPL the mother intends to take (if applicable)	
---	--

SECTION D: Indication of Partner's leave intentions (must be completed but is not binding)

I (the partner) currently expect to take SPL as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

SECTION E: Amount of ShPP available (only complete if claiming ShPP)

Total number of weeks of ShPP created (39 weeks less total number of SMP/MA taken and any ShPP paid from a previous notice and revocation)	
--	--

Total number of weeks of ShPP I (the partner) intend to take:	
---	--

Total number of weeks of ShPP mother intends to take:	
---	--

I (the partner) currently expect to take ShPP as follows:

Note: It will usually be helpful to answer this in a "From... To..." format

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 15th 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 15th 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

Signature of partner

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 Statutory Maternity Pay (SMP) or Maternity Allowance (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

Signature of mother

Date mother signed

ANNEX 3: NOTICE BOOKING A PERIOD OF SPL (PERIOD OF LEAVE NOTICE)

These are the letters needed to give your employer notification that you are taking a period of Shared Parental Leave (SPL). The letters can also be used to indicate if you wish to take Shared Parental Pay (ShPP) for any of the dates you have specified.

What letter needs to be completed?	
Notice booking a period of continuous SPL	Complete this if you want to book a period of SPL that is taken in one block. Your employer must accept this, although they can discuss it with you.
Notice booking a period of discontinuous SPL	Complete this if you want to book in a single notice SPL weeks that are arranged around some weeks where you want to work and some weeks where you want to take SPL. Your employer can refuse this or discuss it with you. However, if you do not reach an agreement with your employer, there are default provisions you can read about in the Acas guidance.

- You will need to edit your letter where the text is **in bold**. You will need to add in dates, personal details or delete parts that do not apply to you.
- If you don't want to claim ShPP for this particular notice, or if you don't qualify for ShPP, delete the parts in the letter that are about pay.
- You can only make notifications when you have confirmed your eligibility and entitlement to SPL and/or ShPP with both your own employer and the employer of the person you are sharing this entitlement with.
- You can usually make up to 3 separate statutory notifications
- You must give 8 weeks' notice of any SPL or ShPP you want to take
- To find out more about the points above and SPL and ShPP in general go to www.acas.org.uk/spl
- Parents and employers should keep a copy of any completed notices
- Some employers may provide their own standard notices for employees to use

[INSERT YOUR ADDRESS]

[INSERT THE DATE YOU PRINT OR SEND THE LETTER]

Dear [INSERT THE NAME OF YOUR EMPLOYER]

Notice booking a period of continuous Shared Parental Leave (SPL)

My current remaining entitlement to SPL is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

This is my [INSERT 'FIRST', 'SECOND' OR 'THIRD' AS APPROPRIATE] statutory notification to book leave.

This notice is to book a period of [INSERT THE NUMBER OF WEEKS SPL YOU WANT TO TAKE] weeks of SPL.

I will be taking a continuous period of leave from [INSERT WHEN YOU WANT TO START YOUR SPL] to [INSERT WHEN YOU WANT TO END YOUR SPL].

My current remaining entitlement to Statutory Shared Parental Pay (ShPP) is [INSERT THE TOTAL NUMBER OF WEEKS OF SPL YOU HAVE LEFT] weeks.

During my period of SPL I would like to receive [INSERT THE NUMBER OF WEEKS SHPP YOU WANT TO TAKE] weeks ShPP.

I would like this paid from [INSERT WHEN YOU WANT TO START YOUR SHPP] to [INSERT WHEN YOU WANT TO END YOUR SHPP].

Yours sincerely

[INSERT YOUR NAME AND SIGNATURE]