ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Paternity Leave

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_Employee no: \_\_\_\_\_\_\_\_\_\_\_\_\_

Business Unit / School: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1 I am intending to take one/two weeks paternity leave

(delete as appropriate)

2 The baby is due in the week beginning: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(if the baby is has already been born, please show actual date of birth \_\_\_\_\_\_\_\_\_\_)

I intend to start my paternity leave on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I am due back at work on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **You must be able to tick all four boxes to get paternity leave and Statutory Paternity Pay.**

I declare that: -

1. I am

* the baby’s biological father, or
* married to the mother, or
* living with the mother in an enduring relationship,

but am not an immediate relative

1. I have responsibility for the child’s upbringing
2. I will take time off work to support the mother or care for the child
3. I enclose a copy of the mother’s Mat B1

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

Head of Service/Head Teachers signature

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

Please give a copy of this form to your Head of Service / Head Teacher and send the original to HR at Town Hall, St Ives Road, Maidenhead. If you have any queries, please contact HR.

The Council supports the [Lift the baby campaign](https://liftthebaby.org.uk/)

**SHARED PARENTAL LEAVE**

**FREQUENTLY ASKED QUESTIONS**

1. What is shared parental leave (SPL)?

This new scheme allows ‘parents’ to share time off work during the first year after the child’s birth or adoption.

1. Who can take shared parental leave?

Leave can be taken by mothers, fathers, adopters or their partners subject to the eligibility requirements.

1. Can I take shared parental leave even if my partner does not qualify?

Yes. You can use the shared parental leave arrangements to take your leave in a more flexible way however your partner must still meet certain eligibility criteria.

1. What are the time limits on taking leave?

Leave must be taken within the baby’s first year.

1. What are the eligibility criteria?

For the child’s mother:

* has at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment with that employer until the week before any period of shared parental leave that she takes;
* has the main responsibility for the care of the child at the date of the birth (apart from the responsibility of her partner or the child's father) and intend to care for the child during SPL period;
* is entitled to statutory maternity leave in respect of the child;
* has curtailed her statutory maternity leave
* has complied with the relevant notice and evidence requirements
* For Shared Parental Leave Pay -has average earnings in the 8 weeks ending with the relevant week of not less than the lower earnings threshold applicable in that week

For the child’s father or the partner of the child’s mother:

* has at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remains in continuous employment with that employer until the week before any period of shared parental leave that he or she takes;
* has the main responsibility for the care of the child at the date of the birth (apart from the responsibility of the mother) and intend to care for the child during SPL period
* has complied with the relevant notice and evidence requirements
* For Shared Parental Leave Pay - has average earnings in the 8 weeks ending with the relevant week of not less than the lower earnings threshold applicable in that week

In addition both parties need to satisfy the employment and earnings test:

Have been employed or self employed for any part of at least 26 weeks of the 66 weeks immediately before the expected week of childbirth and have average weekly earnings in any 13 of those 66 weeks of at least £30.

Use this on line calculator to determine your eligibility:

[Eligibility calculator](https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child)

1. How much time can be taken?

The maximum amount of SPL is 50 weeks, whilst the maximum shared parental leave pay (ShPP) is 37 weeks.

Mothers must take a compulsory 2 weeks leave after the birth of the baby.

1. How can the leave be taken?

The leave can be taken in up to 3 blocks of time during the first year. It can only be taken in whole weeks.

1. How much is shared parental leave pay?

Statutory Shared Parental Leave Pay is available for a maximum of 37 weeks and is payable at the same lower rate of Statutory Maternity Pay (SMP) or 90% of your average earnings, whichever is lower. Check the current rate Shared Parental Leave and Pay: What you'll get - GOV.UK (www.gov.uk)

1. What are the notification rules?

If you are taking maternity/adoption leave. in order to take SPL you must do one of the following:

* End your maternity/adoption leave by returning to work
* Give ‘binding notice’ of the date you will end your maternity/adoption leave
* End your maternity/adoption pay

Anyone wishing to take SPL must give at least 8 weeks notice of their intention to take leave.

1. How can I notify you that I want to take SPL?

In Appendix D, you will find a form that you and your partner need to complete. Due to the complexity of the potential variations in the taking of SPL, it is recommended that you discuss your plans for shared parental leave with your line manager and HR at the earliest opportunity. Please contact the HR Business Partner team.

1. Can you refuse my request for SPL?

Providing you have submitted your request at least 8 weeks before you intend to start your SPL, want to take it as a continuous period of leave and have complied with the notification requirements, then we cannot refuse.

1. What evidence will you want as my employer that my partner qualifies for shared parental leave?

The form in Appendix D, requires both you and your partner to declare that you qualify for SPL and ShPP. The regulations allow an employer to ask for the details of the partner’s employer.

1. What happens to my maternity leave and pay?

If you opt to take SPL, then your maternity leave and pay end. You may then opt to receive ShPP.

1. What about Keeping in Touch (KIT) days?

In addition to the 10 KIT days for maternity leave, during SPL, an additional 20 days called Shared Parental Leave In Touch (SPLIT).

1. What about notification to return to work?

You will have already given an intended return to work date when you applied for SPL. This can be varied if you wish to take any remaining SPL.

1. Can I change my dates?

Once you have given notice to take SPL, you cannot change the dates unless you give at least 8 weeks notice.

1. How does this affect ordinary paternity leave?

Ordinary paternity leave will continue. However, it must be taken before any period of shared paternity leave begins.

1. Some examples of the way shared parental leave can work.

Example 1 - Time off together

Mother plans to take 26 weeks maternity leave. She gives 8 weeks notice before she starts her maternity leave, that she will return to work after 26 weeks leave.

This will leave 26 weeks for SPL and 13 weeks ShPP.

Father/Partner takes 2 weeks ordinary paternity leave and then takes 13 weeks SPL and ShPP whilst the baby’s mother is also on maternity leave. Leaving 13 weeks unpaid SPL, that either parent can take within the first year.

Example 2 – Mother takes leave first, returns to work and father/partner takes leave.

Mother takes 26 weeks maternity leave and pay and returns to work. Father/ Partner takes 26 weeks SPL, 13 of which are paid at ShPP and 13 unpaid.

Example 3 – alternating leave between parents

Mother takes 18 weeks maternity leave and pay and returns to work. Father takes 8 weeks SPL and ShPP and returns to work. Mother takes 13 weeks SPL and ShPP and returns to work. Father takes remaining unpaid SPL of 13 weeks.

There is scope for a huge range of leave combinations.

1. Who can I speak to for advice?

If you are considering taking SPL, you should discuss this first with your manager and then arrange for you both to meet with HR for advice.

ROYAL BOROUGH OF WINDSOR AND MAIDENHEAD

Shared Parental Leave

Section 1

To be completed by RBWM employee, wishing to take Shared Parental Leave (SPL)

Full Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Employee no \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Service / School \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Qualifying partners name (in full) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

EWC date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Baby’s birth date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Start date of maternity leave \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

End date of maternity leave \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Number of weeks SPL available \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Number of weeks Shared Parental Leave Pay (ShPP) available \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

My SPL will commence on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and end on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I intend to take \_\_\_\_\_\_\_ weeks SPL and \_\_\_\_\_\_\_ weeks ShPP.

Further information\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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I confirm that I am sharing the childcare responsibility with the above mentioned qualifying partner during the SPL period and that the information given above is accurate. I understand that a false declaration will be treated as a disciplinary matter.

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

Please turn over for the declaration by the qualifying partner.

The Council supports the [Lift the baby campaign](https://liftthebaby.org.uk/)

Section 2

To be completed by the qualifying partner of the RBWM employee, wishing to take shared parental leave

Full Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ NI Number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

I confirm that all the information given in the above sections is accurate and that:

I satisfy the qualifying requirements for taking Shared Parental Leave and Statutory Shared Parental Leave Pay;

I am the father/mother of the child or married to/the civil partner or partner of the above named RBWM employee;

I agree to share with the above named RBWM employee Shared Parental Leave and Statutory Shared Parental Leave Pay;

If required by RBWM I will supply a copy of the birth certificate and the name and address of my employer within 14 days of the request;

I agree to RBWM processing my information in relation to the administration of Shared Parental Leave and Statutory Shared Parental Leave Pay;

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