



MERSEYSIDE WASTE DISPOSAL AUTHORITY

SHARED PARENTAL LEAVE POLICY

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1. Introduction

Merseyside Waste Disposal Authority is committed to supporting staff in balancing their home and work commitments. This Shared Parental Leave Policy aims to support eligible employees who want flexibility when caring for their new child; this will enable both Mothers and their Partner (Usually the father), to take leave during the first 12 months of their child's life during this happy and challenging time. This policy forms part of the Authority's Work Life Balance Policy but due to the detail involved is presented as a stand alone document.

2. What is Shared Parental Leave?

Shared Parental Leave (ShPL) is a new entitlement which is designed to allow parents to take leave flexibly in the first year of a child's life. It applies to children expected to be born on or after 5th April, 2015

Shared parental leave is invoked by the mother or adopter reducing maternity or adoption leave by ending it early, so that the remaining period of leave can be shared between the two parents. Leave can be taken by both parents at the same time or separately. The leave can be taken all in one go or in separate blocks, although each period of leave must last no less than one week.

Although the mothers' entitlement to maternity/adoption leave is 52 weeks, the total period of shared parental leave available will be 50 weeks. (The Mother must take the first two weeks as maternity leave following the date of the birth). In theory this means that up to 50 weeks' leave and 37 weeks' pay can be shared between the parents.

Shared parental leave cannot begin before the birth or placement for adoption and must be taken by the day before the child's first birthday or the day before the first anniversary of the placement of an adopted child.

3. What is Shared Parental Pay?

The mother and father or partner will, together, be entitled to Shared Parental Pay (ShPP) for up to 37 weeks (the mother/principal adopter must take the first 2 weeks as Maternity/Adoption Pay).

The Authority provides enhanced Statutory/Occupational Maternity/Adoption/Shared Parental Pay for the first 18 weeks and is detailed as follows:

- For the first six weeks, 90% of the employees weekly average earnings (the Mother must take the first 2 weeks as Maternity/Adoption pay)

- For the remaining 12 weeks, half of the employees weekly average earnings
- Statutory Maternity Pay for the remaining weeks.

4. **Eligibility**

This Policy applies to all employees of the Authority but not to self-employed contractors. Agency workers will be eligible on the provision that they have worked for the Authority for 26 weeks by the 15th week before the EWC (Expected week of confinement).

The right applies to employees who become parents (the child's mother and father, or the spouse or partner of the child's mother (if not the father), including a civil partner or same sex partner) who have main responsibility for the care of a child with the other parent/partner. Those who have adopted a child will be entitled to the same pay and leave as birth parents.

In order to get Shared Parental Leave the following 2 conditions must be met.

If the employee is the mother:

To be eligible she needs to:

- Have worked for the Authority for 26 weeks by the end of 15th week before the baby is due (or by the date she is matched with a child for adoption) and
- Still be working for the Authority right until she takes Shared Parental Leave
- She will get shared parental pay if she has earned above the 'Lower Earnings Limit'^{**} in the eight weeks before the due date or matching for adoption
- Her partner must also meet some employment earnings conditions (26 weeks of employment or self-employment in the 66 weeks before the EWC and with average weekly earnings of at least £30 during 13 of those weeks)

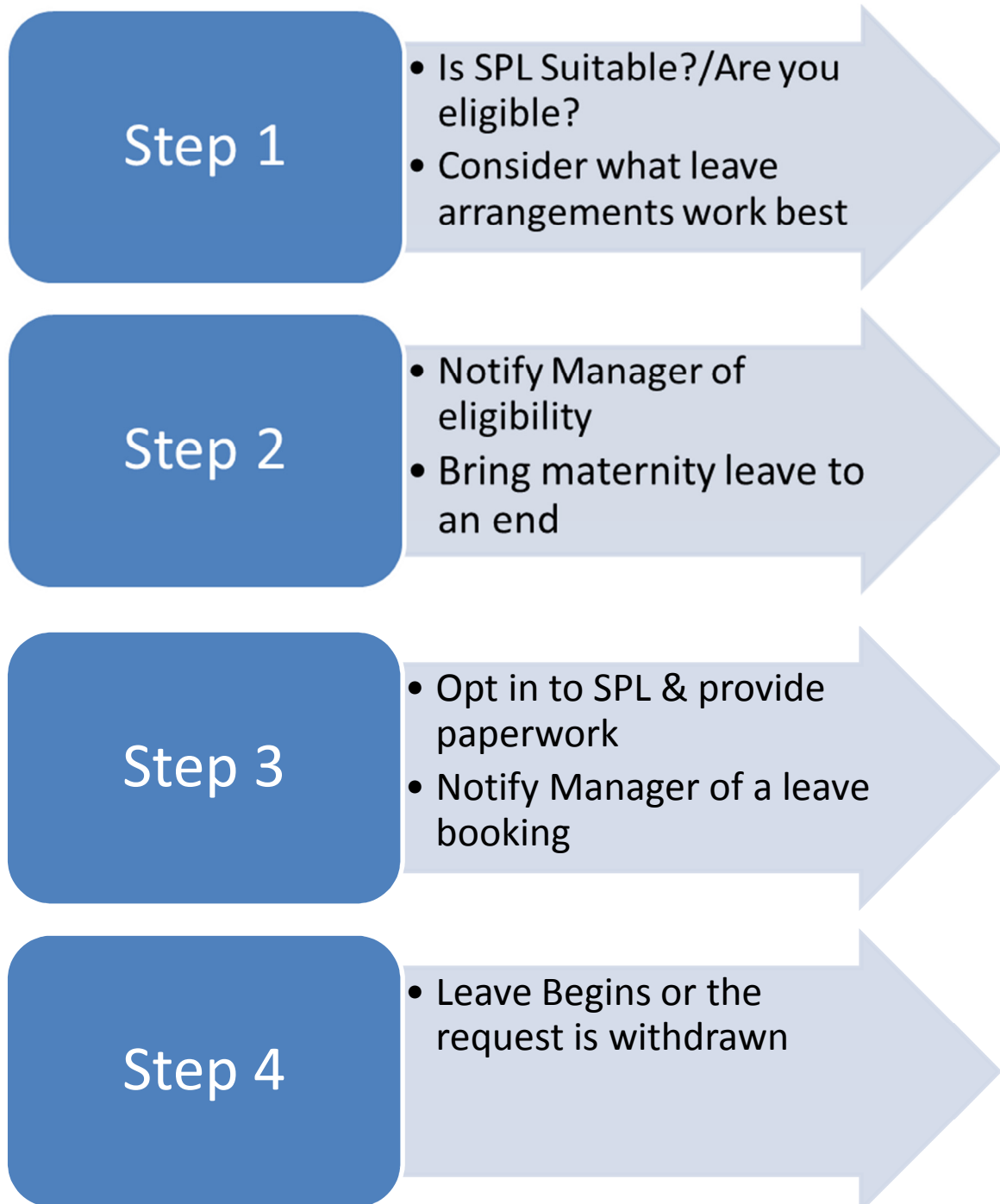
^{**}Lower Earnings Limit is the amount of gross weekly earnings that allow an employee to qualify for certain state benefits. This changes each April. For the current rate go to www.acas.org.uk/spl

If the employee is the secondary carer (most often the father), they must:

- Have worked for the Authority for 26 weeks by the end of the 15th week before the baby is due (or the date they are matched with a child for adoption) and
- Still be working for the Authority right up to when they take Shared Parental Leave
- Have a partner who must have worked for at least 26 weeks before the baby is due, and earn at least £30 week.

The employee must have average earnings at or above the lower earnings limit in the 8 weeks before the 15th week before the EWC to qualify for statutory shared parental pay.

5. The Employee's Process at a glance



6. Bringing Maternity leave to an end early

The first stage of opting in to Shared Parental Leave is for a woman to bring her maternity leave to an end by giving a “curtailment notice” stating when her maternity leave is to end. (A template for a curtailment notice is provided in Appendix 1).

A minimum of 8 weeks’ notice has to be given to bring maternity leave to an end. Maternity leave cannot be brought to an end until after the two week compulsory maternity leave period and must come to an end at least one week before the end of the additional maternity leave period.

The curtailment notice must be accompanied by a notice of entitlement and intention to take Shared Parental Leave (Appendix 2) OR a declaration that the other parent has given notice of entitlement and intention to take Shared Parental Leave to his/her employer and that the mother has consented to the amount of leave that the other parent intends to take. (Appendix 5).

Maternity leave will come to an end on the date set out in the notice. The curtailment notice normally cannot be revoked once it has been given. However, if the curtailment notice is given before a child’s birth the mother can revoke the notice during the six weeks following birth by giving notice in writing to the Authority. The mother is entitled in those circumstances to access Shared Parental Leave at a later date by serving a second curtailment notice.

7. Opting in to Shared Parental Leave

At least 8 weeks before the employee’s first period of Shared Parental Leave they must give notice of entitlement and intention to take leave (an opt-in notice) specifying:

- Their name and that of the other parent
- When the mother’s maternity leave started and will finish (or maternity pay period started and finished where the father wants to take leave and the mother is not entitled to maternity leave)
- The child’s EWC and date of birth (if DOB not available when notice given because the parent is opting into Shared Parental Leave before birth, it must be provided as soon as reasonably practicable)
- How much Shared Parental Leave and Pay are available
- How it is intended that the leave and pay will be split between the parents
- A non-binding indication of when the employee is intending to take Shared Parental Leave and pay, including the dates on which it is intended that leave will be taken.

The notice must be accompanied by written declarations from both parents confirming that they are eligible for leave and pay, that the information provided is accurate and consenting to the leave that the other parent wants to take.

The employee can subsequently vary the way in which leave and pay has been allocated between the parents by giving a variation notice to the employer, including signed declarations from both parents that they consent to the change.

8. Requesting periods of Shared Parental Leave

At least 8 weeks before the start of the period of Shared Parental Leave an employee wants to take they must submit a request for Shared Parental Leave notice. This can be given at the same time as the opt-in notice.

Where an employee wants to request more than one period of leave in a single notice the notice must be given at least 8 weeks before the first period of leave the employee wishes to take.

The notice must give the start and finish dates of leave and state the dates on which the employee wants to take shared parental pay.

Special rules apply if the request for leave is made before a child's birth. In that case the notice can ask for leave to start on, or a specified number of days after, the child's birth and finish on a date, or a specified number of days after the child's birth.

More than one period of leave can be requested in the same notice. The Authority's response will depend on whether or not a single period of leave has been requested.

An employee can make three requests for leave in total.

A request for Shared Parental Leave notice is provided in Appendix 6.

9. Responding to requests for Shared Parental Leave

If a single period of leave is requested the employee is entitled to take the leave as requested.

If more than one period of leave is requested in the same notice the Authority has 14 days in which to agree to the pattern of leave requested, refuse it or negotiate alternative dates. If alternative dates are agreed the employee can take leave on those dates.

The Authority may decide to refuse a request for discontinuous shared parental leave (i.e. leave that is not taken in a single block) if it is felt that there would be a disruption to the normal level or service provided or during a particularly busy period in the year such as year-end.

If alternative dates cannot be agreed, or the request is refused outright, the employee can take all the leave requested as a single block starting either on the start date of the first period of leave originally requested or on another date that the

employee chooses (provided the employer has at least 8 weeks' notice of the new start date). The employee has five days from the end of the two week discussion period to notify the employer of the new start date.

Alternatively, if periods of leave have not been arranged, the employee can withdraw the notice to take leave within 15 days of the date the notice was originally given. Requests that have been withdrawn in these circumstances do not count towards the limit on the number of requests for leave that an employee can make.

10. Changing Shared Parental Leave Arrangements

An employee is entitled to cancel or request a variation of leave that has already been requested as long as they give the Authority at least 8 weeks' notice of the change. For example, the employee may want to change the start date of leave, return to work earlier than originally envisaged or extend their period of leave by changing the end date.

The Authority's response to a variation request will depend on whether the new request is for a single period of leave or a discontinuous leave request, as outlined in the previous section.

Requests for cancellation or variation generally count towards the total number of leave requests an employee can make. However, if the employee wanted to start Shared Parental Leave a certain amount of time after birth and the child arrived earlier than the EWC; the variation notice would not count towards the employee's request limit. The employee would not need to give 8 weeks' notice of the change but should notify the Authority as soon as reasonably practicable.

If the Authority has less than 8 weeks' notice of any change then the Authority may be entitled to require the employee to take some or all of the leave that was originally requested if it is not reasonably practicable to accommodate the change that has been requested.

11. Terms and Conditions during leave

Terms and conditions during Shared Parental leave reflect those that apply during maternity leave.

Reasonable contact between the Authority and an employee on shared parental leave can continue. Telephone calls and e-mails can certainly take place whilst you are on shared parental leave. In addition, you will have an individual entitlement of up to 20 shared parental leave in touch days ("SPLIT days"), enabling you to work without bringing your shared parental leave/pay to an end.

Appendix 1

Maternity Leave Curtailment Notice

To be given by the mother to the Authority

Dear (*name of the person to whom notice should be given*)

Maternity leave curtailment notice

I am writing to let you know that I want to bring my maternity leave to an end early. I now want my maternity leave to come to an end on (*date*).*

I understand that my maternity leave will end on that date and that normally it will not be possible for me to revoke this notice once it has been given.**

EITHER:

I enclose with this letter a notice of entitlement and intention to take Shared Parental Leave.

OR

I confirm that my partner has given his/her employer a notice of entitlement and intention to take Shared Parental Leave and that I have consented to the amount of Shared Parental Leave that my partner is intending to take.

Yours sincerely

**This date must be 1) at least 8 weeks after the date of this letter, 2) after the end of your two week maternity leave period and 3) at least one week before the date on which your maternity leave would otherwise have ended,*

***One exception to this rule would be if you give this notice before your baby is born, in which case you can change your mind and revoke the notice in writing in the six weeks after his or her birth. In that situation you would still be able to access Shared Parental Leave by serving another curtailment notice.*

Notice of Entitlement and Intention to take Shared Parental Leave – Mother

To be given by the mother to the Authority

Dear (name of the person to whom notice should be given)

Notice of entitlement and Intention to take Shared Parental Leave

I am writing to let you know that I am eligible for and that my partner and/or I intend to take a period of Shared Parental Leave.

I set out below the information that I am required to give you to confirm my entitlement to Shared Parental Leave.

My Name	
My partner's name	
My Maternity leave started on	
My maternity leave ended or will end on	
The total amount of Shared Parental Leave (in weeks) available to me and my partner is	
The total amount of statutory shared parental pay (in weeks) available to me and my partner is	
My Child's expected week of childbirth*	
My child's date of birth	
How much Shared Parental Leave and shared parental pay I intend to take (in weeks)**	
How much Shared Parental Leave and shared parental pay my partner intends to take (in weeks)	
The start and end dates of each period of Shared Parental Leave I intend to take and in which period or periods I intend to claim statutory shared parental pay	

I confirm that:

- 1) I satisfy the following eligibility criteria for Shared Parental Leave or will have satisfied them at the date I take leave:
 - I had been employed for 26 weeks at the 15th week before my child's EWC and I will remain in the employment until the week before my first period of Shared Parental Leave.
 - I have main responsibility for the care of my child with the child's father/my partner
 - I am entitled to statutory maternity leave and I have curtailed my period of maternity or have returned to work before the end of my maternity leave
 - I have complied with the relevant notification requirements and provided any additional evidence requested***
 - The information given in the notice is accurate; and
 - I will inform you immediately if I cease to care for my child

I enclose a declaration from my partner providing the further information he/she is required to give.

Yours sincerely

**If you are giving this notice before your child is born you will need to provide us with your child's date of birth as soon as reasonably practicable and before you take any leave.*

***This is just to give us an initial indication of when you may want to take leave. It is not a formal request for Shared Parental Leave unless you tell us that you want us to treat it as a formal request. Otherwise you will need to complete a request for Shared Parental Leave at least 8 weeks before each period of leave you wish to take.*

****If you have complied with the procedure set down in the Shared Parental Leave policy you will have complied with this requirement*

Father's/partner's declaration to accompany mother's notice of entitlement

Dear (name of person to whom notice should be given)

Declaration in relation to Shared Parental Leave

I confirm that:

- 1) I am (name of child)'s father and/or married to, or the civil partner of (name of employee)
- 2) Together with (name of employee) I have the main responsibility for the care of (name of child)
- 3) I satisfy the employment and earnings criteria* that allow (name of employee) to access Shared Parental Leave
- 4) I consent to (name of employee) taking the amount of leave set out in her Shared Parental Leave Notice of Entitlement
- 5) I consent to you processing the information contained in this declaration for the purposes of (name of employee)'s application for Shared Parental Leave

I set out below the further information I am required to give you:

My Name	
My Address	
My National insurance number OR I confirm I do not have a national insurance number	

Yours sincerely

**See the Shared Parental Leave Policy for more information*

Notice of Entitlement and intention to take Shared Parental Leave – Father

To be given by the child's father/mother's partner

Dear (name of person to whom notice should be given)

Notice of entitlement and intention to take Shared Parental Leave

I am writing to let you know that I am eligible for and that my partner and/ or I intend to take a period of Shared Parental Leave.

I set out below the information that I am required to give you to confirm my entitlement to Shared Parental Leave.

My name	
My partner's name	
The start and end dates of my partner's maternity leave	
The total amount of Shared Parental Leave (in weeks) available to me and my partner is	
The total amount of statutory shared parental pay (in weeks) available to me and my partner is	
My Child's expected week of childbirth*	
My child's date of birth*	
How much Shared Parental Leave and statutory shared parental pay I intend to take (in weeks)	
How much Shared Parental Leave and statutory shared parental pay my partner intends to take (in weeks)	
The start and end dates of each period of Shared Parental Leave I intend to take and in which period or periods I intend to claim shared parental pay**	
The start and end dates of each period of Shared Parental Leave I intend to take and in which period or periods I intend to claim statutory shared parental pay	

I confirm that:

- 1) I satisfy the following eligibility criteria for Shared Parental Leave or will have satisfied them as the date I take leave:
 - I had been employed for 26 weeks at the 15th week before my child's EWC and I will remain in the employment until the week before my first period of Shared Parental Leave
 - I have main responsibility for the care of my child with the child's mother
 - I have complied with the relevant notification requirements and provided any additional evidence requested***
- 2) The information given in this notice is accurate;
- 3) I am (name of child)'s father, or married to or the civil partner or partner of (name of child)'s mother; and
- 4) I will inform you immediately if I cease to care for my child or if my partner informs me that she has revoked her decision to curtail her period of maternity leave or pay.

I enclose a declaration from my partner providing the further information she is required to give.

Yours sincerely

**If you are giving this notice before your child is born you will need to provide us with your child's date of birth as soon as reasonably practicable and before you take any leave*

***This is just to give us an initial indication of when you may want to take leave. It is not a formal request for Shared Parental Leave unless you tell us that you want us to treat it as a formal request. Otherwise you will need to complete a request for Shared Parental Leave at least 8 weeks before each period of leave you wish to take.*

****If you have complied with the procedure set down in the Shared Parental Leave policy you will have complied with this requirement.*

Appendix 5

Mother's declaration to accompany father's notice of entitlement

Dear (name of person to whom notice should be given)

Declaration in relation to Shared Parental Leave

I confirm that:

- 1) I satisfy the employment and earnings criteria* that allow my partner to access Shared Parental Leave;
- 2) Together with (name of child's father/mother's partner) I have the main responsibility for the care of (name of child);
- 3) I am entitled to statutory maternity leave, statutory maternity pay or statutory maternity allowance in respect of (name of child) and I have either returned to work or curtailed my maternity leave or maternity pay or maternity allowance period (and that period remains curtailed);
- 4) I will immediately inform (name of child's father/mother's partner) if I decide to revoke my decision to curtail my maternity leave or maternity pay or maternity allowance period.
- 5) I consent to (name of father/mother's partner) taking the amount of leave set out in his/her Shared Parental Leave Notice of Entitlement; and
- 6) I consent to you processing the information contained in this declaration for the purposes of (name of father/mother's partner)'s application for Shared Parental Leave.

I set out below the further information I am required to give you:

My name	
My Address	
My National insurance number OR I confirm I do not have a national insurance number	

Yours sincerely

* See the Shared Parental Leave policy for further information

Request for Shared Parental Leave

To be given by parent who wants to take a period of leave

Dear (name of person to whom notice should be given)

Request for Shared Parental Leave

I refer to the Notice of Entitlement and Intention to Take Leave I gave you on (date).

I am writing to let you know that I would like to request a period of Shared Parental Leave from (start date*) to (end date**).

(I would like to take a further period of Shared Parental Leave from (start date) to (end date).)***

Yours sincerely

*Must be at least 8 weeks after the date of this letter

**Shared parental leave must be taken before your child's first birthday

***You can ask for more than one period of leave in a single request for leave notice. However, the Authority is not obliged to agree to requests for discontinuous leave. For more details about requesting leave please refer back to the Shared Parental Leave Policy.

Appendix 7

Request to vary or cancel Shared Parental Leave

To be given by a parent who wants to cancel or vary an existing leave request

Dear (name of person to whom notice should be given)

Request to Vary or Cancel Shared Parental Leave*

I refer to the request for Leave I gave you on (date). I was intending to take Shared Parental Leave from (original start date) to (original end date).

I am writing to (cancel/vary) that request. I (will now not be taking Shared Parental Leave) OR (now want to take a period of Shared Parental Leave from (start date) to (end date) instead of on the dates I originally requested).

I understand that this cancellation/variation counts towards the total number of requests for Shared Parental Leave that I am entitled to make.

Yours sincerely

**The Authority must be given at least 8 weeks' notice of any request to cancel or vary an existing period of leave*