

## PARENTHOOD POLICY

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## PARENTHOOD POLICY STATEMENT

Durham SU recognises that the wellbeing of our employees is fundamental to our continued success. We are committed to enabling our employees to achieve a healthy balance between the needs of Durham SU and their personal lives.

The policy aims to support employees in finding a balance between parenting and work responsibilities, assist new parents in their return to work, and retain staff and encourage a diverse and equal workforce.

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## 1. PURPOSE

- 1.1 This policy sets out the different types of leave available to employees who are new or expecting parents and explains:
- The types of leave available to new and expecting parents;
  - How long you can take; and,
  - Whether it will be paid.
- 1.2 The policy aims to:
- Support employees in finding a balance between parenting and work responsibilities.
  - Assist new parents in their return to work.
  - Retain staff and encourage equality within Durham SU.
  - To be non-discriminatory and meet the requirements of the Equality Act 2010.
  - To comply with employment legislation and best practice.
  - To treat all employees fairly and consistently.
  - To ensure that these policy aims are achieved, all line managers should undertake training in how to apply this policy.
- 1.3 To ensure that these policy aims are achieved, all line managers should undertake training in how to apply this policy.

## 2. SCOPE

- 2.1 The policy applies to all employees of Durham SU, unless they are expressly excluded. Agency workers, self-employed contractors and elected officers are excluded from this policy.
- 2.2 The policy includes the following types of Parenthood leave:
- Maternity
  - Paternity
  - Adoption
  - Shared Parental, and;
  - Parental

## 3. PRINCIPLES

- 3.1 Durham SU is committed to:
- Developing a great place to work where all employees feel valued
  - Being an attractive employer for prospective candidates
  - Positively supporting employees in balancing their work and family life
  - Helping to increase employee wellbeing
  - Retaining the talent and experience of our employees
  - Building a diverse and inclusive culture.
- 3.2 Whilst an employee is on maternity, paternity, adoption, shared parental or parental leave, all contractual benefits (except pay) will continue as normal.
- 3.3 No employees requesting to take maternity, paternity, adoption, shared parental or parental leave will be subjected to any detriment, unfair treatment or lose any career development opportunities as a result
- 3.4 This policy does not form part of an employee's contract of employment and it may be amended at any time.

## 4. EMPLOYEE AND MANAGER RESPONSIBILITIES

- 4.1 Employee and manager responsibilities are documented throughout the policy.

## 5. LEGISLATION

5.1 It is essential to be aware of the legal requirements that underpin this policy. We will aim to be compliant with all legislation and will include this in relevant training for line managers. The relevant legislation and government guidance relevant to this policy are listed below:

- Equality Act 2010
- Employment Rights Act 1996
- Maternity and Parental Leave Regulations 1999, 2001 and 2002
- Statutory Maternity Pay Regulations 1986
- Statutory Paternity Pay and Statutory Adoption Pay Regulations 2002
- Social Security Contributions and Benefits Act 1992
- Shared Parental Leave Regulations 2014
- Children and Families Act 2014
- Statutory Shared Parental Pay Regulations 2014
- Maternity Allowance Regulations 2014
- Paternity and Adoption Leave Regulations 2002
- Shared Parental Leave and Pay 2015

## 6. PARENTHOOD LEAVE

6.1 The different types of parenthood leave you may be entitled to take are listed below:

Type of leave	Description	Amount of leave
<b>Adoption leave</b>	You qualify for adoption leave if you are adopting a child through a UK or overseas adoption agency.	Up to 26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave, which you must take consecutively.
<b>Maternity leave</b>	You qualify for maternity leave when you are pregnant with a child.	Up to 26 weeks Ordinary Maternity Leave and 26 weeks Additional Maternity Leave, which must be taken consecutively.
<b>Paternity Leave</b>	Paternity leave is available to partners of pregnant parents or primary adopters to care for a child, or support the child's other parent.	One or two weeks.
<b>Shared Parental Leave</b>	Shared parental leave enables employees and their co-parent to share the leave and pay available in the first year after the birth or adoption of their child.	Up to 50 weeks of Shared Parental Leave is available for eligible parents to share.
<b>Parental Leave</b>	Parental leave enables employees with at least one year's continuous service to take up to 18 weeks' unpaid parental leave for each of their children, until their 18 <sup>th</sup> birthday.	18 weeks unpaid leave per child, with a maximum of 4 weeks per year per child. Parental leave must be taken in blocks of 1 week.

## 7. WHAT YOU MUST DO BEFORE YOU START YOUR LEAVE

7.1 You must provide verification of your entitlement to leave when you need to, in the form of:

- A MATB1 certificate (for maternity or paternity)
- A letter of matching certificate from the adoption agency (for adoption, including dual prospective adopters)

- Whichever of the above is relevant (for shared parental leave)
- 7.2 Durham SU requires you to share specific information with us to verify that you are eligible for parenthood leave. For shared parental leave, this includes information about the co-parent and their employer.

## **8. YOUR EMPLOYMENT RIGHTS DURING PARENTHOOD LEAVE**

- 8.1 You should not suffer any unfair treatment, discrimination, dismissal or selection for redundancy for reasons connected with your pregnancy or maternity, paternity, adoption or shared parental leave. This is in accordance with the Equality Act 2010.
- 8.2 Your employment before, during and after parenthood leave is treated as continuous service and therefore counts for the purposes of qualifying for statutory employment rights. You will also maintain your entitlement to any employee benefits (except pay). Some rights will be subject to change if you request to return to work on different terms and conditions.
- 8.3 Your employment terms and conditions are protected during parenthood leave. Any pay reviews or improvements to terms and conditions whilst on leave must be awarded.
- 8.4 You will accrue your holiday entitlement during your leave, and you should take any accrued holiday before or after your parenthood leave within the year that it is accrued, wherever possible. Any exceptions to this must be agreed by your line manager.
- 8.5 You should return to work in the same position as you held before commencing your leave after any:
- Ordinary maternity
  - Ordinary adoption or maternity leave
  - Shared parental leave of 26 weeks or less, or;
  - Parental leave which has lasted for 4 weeks or less
- 8.6 If you take additional maternity or additional adoption leave, more than 26 weeks of shared parental leave, or more than 4 weeks of parental leave, you are normally entitled to return to work in the same position that you held before commencing your leave. However, where this is not practical, this may be to another role which would be suitable, appropriate and on terms and conditions that are not less favourable.
- 8.7 You cannot be dismissed or selected for redundancy for a reason connected with your parenthood leave. Dismissal or selection for redundancy in these circumstances may amount to unfair dismissal as well as discrimination.
- 8.8 Any redundancy or dismissal whilst you are pregnant or on maternity, paternity, adoption or shared parental leave requires written notice of the reasons for the dismissal. You and Durham SU should adhere to all notice periods.
- 8.9 If you are on a period of leave when a redundancy situation arises, you must be:
- included in Durham SU's normal redundancy procedure (such as being consulted), and;
  - given the same rights (notice, the option for redeployment, and time off to look for another job) as you would have been given if you had been at work.
- 8.10 All requests for maternity, adoption, paternity and shared parental leave will be treated fairly, irrespective of job role or gender. Managers have a responsibility to treat any employee requesting parenthood leave equally.

## **9. PREGNANCY AND MATERNITY**

- 9.1 Line managers must complete a risk assessment with all pregnant employees to ensure their wellbeing at work. They should do this as soon as they find out that the employee is pregnant. Line managers should regularly review the risk assessments and make any reasonable adjustments to the working environment and activities to remove risks where necessary.
- 9.2 Line managers should complete further risk assessments on the employee's return to work if they are breastfeeding or if they return within 6 months of giving birth.
- 9.3 Maternity leave will start automatically if the employee is off work for a pregnancy related reason in the four weeks before the baby is due.
- 9.4 By law, you must not return to work, including working from home, within two weeks of the birth of your baby. This period is known as 'Compulsory Maternity Leave'. All entitlements and conditions which apply during ordinary maternity leave apply throughout this period.

## **10. ADOPTION AND SURROGACY**

- 10.1 Adoption leave is only available if you are adopting through a UK or overseas adoption agency. It is not available if there is no agency involved.
- 10.2 If you are the primary adopter and qualify for adoption leave, you are allowed up to five periods of leave to attend adoption meetings after you have been matched with a child. A co-adopter can have paid time away from work to attend up to two meetings.
- 10.3 In a surrogacy case, you are entitled to adoption leave if a surrogate mother gives birth to a child who is:
  - Biologically your child
  - The child of your spouse or partner, or;
  - The child of both of you and you expect to be given parental responsibility for the child under a parental order from the court. The child must live with you and you must apply for the parental order within six months of the child's birth.

## **11. ANTENATAL APPOINTMENTS**

- 11.1 All pregnant employees have the right to take reasonable paid time off during working hours for antenatal appointments.
- 11.2 You may also take (unpaid) time off to accompany a pregnant person to up to two antenatal appointments if you are:
  - The spouse or partner of the pregnant person
  - Living with the pregnant person in an enduring family relationship
  - The co-parent of the expected child
  - The intended parent of a child in a surrogacy arrangement

## **12. KEEPING-IN-TOUCH DAYS**

- 12.1 Keeping-in-touch (KIT) or Shared Parental Leave in touch (SPLIT) days allow you to attend work for up to 10 days during maternity or adoption leave and up to 20 days during shared parental leave, without losing any eligible maternity, adoption or shared parental leave or pay.
- 12.2 Any work carried out on a day shall constitute 1 day's work for these purposes.
- 12.3 Any KIT or SPLIT days should be agreed between you and your line manager.

### **13. CONTACT DURING PARENTHOOD LEAVE**

- 13.1 Durham SU will maintain reasonable contact with you during periods of parenthood leave. This may be to discuss your plans for return to work, any special arrangements to be made or training needed to support your return to work, or to update you on changes and developments at work during your absence.

### **14. CHANGING YOUR HOURS OF WORK WHEN YOU RETURN**

- 14.1 If you would like to change your working hours, you are entitled to submit a flexible working request. All requests will be dealt with on a case by case basis.
- 14.2 Refer to the Flexible Working Policy for more information and details of how to apply.

### **15. EMPLOYEE ASSISTANCE PROGRAMME**

- 15.1 **The Employee Assistance Programme (Hospital Saturday Fund)** is available for all employees of Durham SU to access. New and expecting parents are encouraged to use the service if they wish to access help and resources relating to pregnancy, birth and childcare.

## PARENTHOOD PROCEDURES

### 1. MATERNITY LEAVE PROCEDURE

#### 1.1 Overview

- 1.1.1 Maternity leave is available to employees who are pregnant with a child. The information in this section outlines what you need to know about maternity leave and pay.

#### 1.2 Telling your line manager that you're pregnant

- 1.2.1 You should tell your line manager that you're pregnant as soon as possible so that they can complete a risk assessment to ensure the health of you and your child are not at risk while at work. This assessment should be reviewed again once you reach your third trimester of pregnancy (usually between 24-28 weeks).
- 1.2.2 Please see [Appendix 1](#) for the Pregnant Workers Risk Assessment form and guidance.

#### 1.3 Maternity leave entitlements

- 1.3.1 You are entitled to take up to 52 weeks' Statutory Maternity Leave, regardless of the number of hours you work or your length of service. You get the same amount of leave if you are expecting a multiple birth (e.g. twins).
- 1.3.2 Maternity leave is made up of:
- Ordinary Maternity Leave for the first 26 weeks
  - Additional Maternity Leave for the last 26 weeks
- 1.3.3 You don't have to take 52 weeks, but you must take two weeks' compulsory maternity leave after your baby is born. You can't return to work, or work from home, during this time.

#### 1.4 Antenatal appointments

- 1.4.1 You are entitled to reasonable time off with pay to attend antenatal appointments and classes, including medical examinations, relaxation classes and National Childbirth Trust (NCT) classes, provided that you can produce an appointment card and medical confirmation of the pregnancy.
- 1.4.2 We normally expect that no more than half a day is needed for an antenatal appointment, but your leave includes the time you need to travel to the appointment and any waiting time needed while you are there. You are allowed to take up to 6.5 hours for each appointment.

#### 1.5 When your maternity leave can start

- 1.5.1 The earliest you can start your maternity leave is during the 11th week before the expected week of childbirth.

#### 1.6 Still births

- 1.6.1 In the unfortunate event of a still birth and where the pregnancy has lasted longer than 24 weeks, you will receive all of the leave and benefits entitlement set out in this policy.

#### 1.7 Premature births

- 1.7.1 If you haven't already started your maternity leave, and your baby arrives earlier than expected, your maternity leave will begin automatically. You must let your line manager know as soon as possible.



## **1.8 Sickness before maternity leave starts**

- 1.8.1 If you are off sick from work while you are pregnant, and the illness is unrelated to your pregnancy, it will be treated as normal sickness absence.
- 1.8.2 If your illness is pregnancy related, and this has been confirmed by your doctor, your maternity leave will start automatically on the first day of your absence after the beginning of the 4th week before your expected leave of childbirth, even if you had planned to work longer.

## **1.9 Notification of maternity leave**

- 1.9.1 By the end of the 15th week before the expected week of childbirth, you should inform Durham SU in writing of:
  - The fact that you are pregnant;
  - Your expected week of childbirth; and
  - The date on which you intend to start your maternity leave.
- 1.9.2 You must also provide a MATB1 form.
- 1.9.3 If you wish to change the start date of your maternity leave, you should advise Durham SU in writing at last 28 days before the new start date, or as soon as reasonably practicable.
- 1.9.4 After receiving confirmation of your pregnancy, Durham SU will write to you within 28 days setting out your latest return date. This will be 52 weeks from the date your maternity leave starts.

## **1.10 Maternity pay**

- 1.10.1 If you're eligible, your maternity pay may include one or more of the following:
  - Statutory Maternity Pay (SMP) or Maternity Allowance (MA)
  - Occupational Maternity Pay (OMP)
- 1.10.2 Maternity pay is calculated weekly, paid into your bank account on normal pay days and is subject to tax and statutory deductions in the same way as your usual pay.
- 1.10.3 The following information explains the eligibility criteria for each type of pay:

### **A) Statutory Maternity Pay (SMP)**

SMP is paid for up to 39 weeks. If you're eligible, you'll get:

- 90% of your average weekly earnings for the first 6 weeks, followed by
- 90% of your average weekly earnings or the flat SMP rate (whichever is lower) for the next 33 weeks. The flat SMP rate is set each year by the government. More details can be found on the gov.uk website ([Maternity pay and leave: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/maternity-pay-overview)).

To qualify for SMP you must have 26 weeks' continuous service up to the 15<sup>th</sup> week before your baby is due. Your average earnings for the two complete pay months prior to the qualifying week must also be enough to reach the lower limit for paying national insurance contributions.

If you leave Durham SU and you meet the eligibility criteria for SMP, you will be paid any remaining weeks of SMP as a lump sum in your final pay.

Your average weekly earnings for the purposes of SMP are calculated by looking at the two pay months prior to the 15<sup>th</sup> week before your expected week of childbirth.

If you don't qualify for SMP, you may be eligible to claim Maternity Allowance (MA) from the Department of Work and Pensions.

## B) Occupational Maternity Pay (OMP)

Occupational Maternity Pay (OMP) is paid for the first 16 weeks of your maternity leave and 'tops up' any statutory pay (SMP or MA) that you receive up to your basic contractual pay.

You can choose whether to receive OMP as:

16 weeks' full pay, or;

8 weeks' full pay followed by 16 weeks' half pay.

Any remaining SMP or MA will continue to be paid after your OMP has ceased.

If your SMP or MA is greater than your normal earnings, you won't be paid OMP.

To qualify for OMP you must have at least 1 year's continuous service with Durham SU at the beginning of the 15th week before your expected week of childbirth.

If you leave the organisation within 12 weeks of returning to work after Maternity Leave, Durham SU has the right to recover any payment made in excess of SMP.

### 1.11 Returning to work at the end of your maternity leave

- 1.11.1 The latest date that you can return from your maternity leave is your first usual working day after 52 weeks of maternity leave. Your return date can be agreed with your line manager either before or during your maternity leave, but we will require at least eight weeks' notice before your return date.

### 1.12 Breastfeeding and expressing at work

- 1.12.1 When you return to work you should tell your line manager if you are breastfeeding and you intend to express milk whilst at work so that you can continue to breastfeed.
- 1.12.2 Your line manager will complete a risk assessment with you to ensure that you are not exposed to any risks that may be harmful to you while breastfeeding.
- 1.12.3 Durham SU will provide a comfortable and private area for you to use, and ensure that you have a secure place in which to store expressed milk.
- 1.12.4 You should bring in a suitable cool bag and enough cool blocks to keep the milk at a suitable temperature until you get home, in case a fridge is not available.
- 1.12.5 Your line manager will need to discuss and agree with you where the private area will be, as this could vary depending on where you work. Your line manager will also agree with you when you will need to take breaks so you can express milk when required.

## 2. PATERNITY LEAVE PROCEDURE

### 2.1 Overview

- 2.1.1 Paternity leave is available to employees of any gender to care for a child, or support the child's other parent. The information in this section outlines what you need to know about paternity leave and pay.

### 2.2 Paternity leave entitlements

- 2.2.1 When your partner, spouse or co-parent is having a baby, adopting a child, or having a baby through a surrogacy arrangement, you may be eligible to take one or two weeks' paternity leave. You get the same amount of leave if they have a multiple birth (e.g. twins).

- 2.2.2 You may or may not be entitled to both paternity leave and paternity pay. This section explains the criteria you must meet and any entitlements to leave and pay that you may receive.
- 2.2.3 To qualify for paternity leave, you must be taking time off to look after the child and be one of the following:
- The spouse or partner of the pregnant person
  - Living with the pregnant person in an enduring family relationship
  - The co-parent of the expected child
  - The intended parent of a child in a surrogacy arrangement
- 2.2.4 Paternity leave must be taken in one period from:
- The date of your child's birth or adoption placement, or
  - A specified date within 8 weeks (56 days) of the expected week of childbirth or adoption placement.
- 2.2.5 If you would like to take more time off work after your two weeks' paternity leave, you can request to take holiday or parental leave. You may also be eligible for shared parental leave.
- 2.2.6 If you are adopting a child and you are taking adoption leave, you are not able to take paternity leave. However, paternity leave may be available to the co-adopter. Refer to the [adoption leave procedure](#) for further information.

## **2.3 Accompanying someone to an antenatal appointment**

- 2.3.1 Co-parents can take time off to accompany someone to up to two antenatal appointments if they are:
- The spouse or partner of the pregnant person
  - Living with the pregnant person in an enduring family relationship
  - The co-parent of the expected child
  - The intended parent of a child in a surrogacy arrangement
- 2.3.2 Speak to your line manager if you want to accompany someone to an antenatal appointment. This time is unpaid unless you choose to use holiday entitlement. You'll need to show your manager the appointment card if requested, as evidence that you are eligible to take time off for this reason.

## **2.4 Eligibility for paternity leave**

- 2.4.1 To be eligible for paternity leave, you must have worked for Durham SU continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (or by the end of the week in which you are notified of being matched with a child for adoption).
- 2.4.2 If you do not qualify for paternity leave, please speak to your line manager to understand how we may be able to accommodate your request for time off. This could potentially be through taking holiday or unpaid leave.

## **2.5 Notification of paternity leave**

- 2.5.1 You should tell your line manager as soon as possible so that they can make arrangements to cover your work while you are away.
- 2.5.2 You should also inform Durham SU in writing of your intention to take paternity leave at least:
- 15 weeks before the expected week of childbirth
  - 7 days after you have been notified of a match (for adoption).

- 2.5.3 If your child is born earlier than expected, you should notify Durham SU as soon as possible.

## **2.6 Paternity pay**

- 2.6.1 If you are eligible, your paternity pay may include one or more of the following:

- Statutory Paternity Pay (SPP)
- Occupational Paternity Pay (OPP)

- 2.6.2 Paternity pay will be processed once you have started your paternity leave. It will be paid into your bank account on your normal pay date. If you return to work during your paternity leave you will lose your entitlement to SPP.

- 2.6.3 The following explains the eligibility criteria for each type of pay:

### **A) Statutory Paternity Pay (SPP)**

SPP is paid for a maximum to 2 weeks to eligible employees. If you are entitled to SPP, you will be paid the statutory weekly rate set by the government, or 90% of your average weekly earnings (whichever is lower). The flat SPP rate is set by the government. More details can be found on the gov.uk website ([Paternity pay and leave: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/paternity-pay-and-leave/overview)).

The amount is the same regardless of how many children are born as a result of the same pregnancy or places for adoption.

To qualify for SPP you must have worked for Durham SU continuously for at least 26 weeks by the end of the 15th week before the expected week of childbirth (or by the end of the week in which you were notified of being matched with a child for adoption).

You must also still be employed by Durham SU up to the date of the child's birth, and earn at least £123 a week (before tax).

### **B) Occupational Paternity Pay (OPP)**

Occupational Paternity Pay (OPP) is paid for a maximum of 2 weeks to eligible employees, and 'tops up' any statutory pay (SPP) that you may receive up to your basic contractual pay.

To qualify for OPP you must have at least 1 year's continuous service with Durham SU at the beginning of the 15th week before the expected week of childbirth.

## **3. ADOPTION LEAVE PROCEDURE**

### **3.1 Overview**

- 3.1.1 Adoption leave allows you to take time away from work when you adopt a child, while still maintaining your employment. The information in this section covers what you need to know about adoption leave and pay.

### **3.2 Adoption leave entitlement**

- 3.2.1 If you're eligible, you're entitled to take up to 52 weeks' adoption leave regardless of your length of service.

- 3.2.2 The period of adoption leave is split into two parts:

- Ordinary Adoption Leave for the first 26 weeks of leave; and
- Additional Adoption Leave for the second 26 weeks of leave.

- 3.2.3 Adoption leave can be taken:

- From the date of your child's placement (whether this is earlier or later than expected); or
- From a fixed date up to 14 days before the expected date of your placement; or
- If you are a dual approved prospective adopter, the date you have a child placed with you, with a view to you adopting that child.

3.2.4 Adoption leave is only available if you are adopting through a UK or overseas adoption agency. It is not available if there is no agency involved, for example, where a step-parent is adopting their partner's children.

3.2.5 If you are jointly adopting a child with another person, only one of you can take adoption leave. However, the other parent may be eligible to take Paternity Leave or Shared Parental Leave.

### **3.3 Time off for adoption meetings**

3.3.1 If you are the primary adopter and you qualify for adoption leave, you are allowed up to five periods of paid leave to attend adoption meetings after you have been matched with a child. If you are the co-adopter, you may take unpaid time away from work to attend up to two meetings. If you are joint adopters, only one of you can take paid time off for these appointments.

### **3.4 Adopting a child from overseas**

3.4.1 If you are adopting a child from overseas, you should inform us as soon as you get your official notification of your child's placement. Your adoption leave can start on either the date on which your child arrives in the UK, or on a chosen date no later than 28 days after your child enters the UK.

### **3.5 Adopting a child through a surrogacy arrangement**

3.5.1 If you meet the eligibility criteria, and you have a child through surrogacy, you can take Ordinary Adoption Leave (up to 26 weeks) and pay. Both parents will also be entitled to take unpaid time off to attend two antenatal appointments with the surrogate mother.

3.5.2 You should inform your line manager of the baby's due date at least 15 weeks before the expected week of childbirth.

3.5.3 Your line manager may request written confirmation of this in the form of either the MATB1 certificate or a signed medical letter. We may also ask for a written statement (statutory declaration) to confirm you've applied or will be applying for a parental order in the six months after the child's birth. This must be signed in the presence of a legal professional.

### **3.6 Adoption pay**

3.6.1 If you're eligible, your adoption pay may include the following:

- Statutory Adoption Pay (SAP), and/or
- Occupational Adoption Pay (OAP)

3.6.2 Adoption pay is calculated weekly, paid into your bank account on normal pay days and is subject to tax and statutory deductions in the same way as your usual pay.

3.6.3 The following explains the eligibility criteria for each type of pay:

#### **A) Statutory Adoption Pay (SAP)**

Statutory Adoption Pay is paid for up to 39 weeks. If you're eligible, you'll get:

- 90% of your average weekly earnings for the first 6 weeks, followed by
- 90% of your average weekly earnings or the flat SAP rate (whichever is lower) for the next 33 weeks. The flat SAP rate is set by the government. More

details can be found on the gov.uk website ([Adoption pay and leave: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/adoption-pay-and-leave)).

SAP can't be paid until your adoption leave has started, and no earlier than 14 days before the expected date of your placement.

If you leave Durham SU and you meet the eligibility criteria for SAP, you will receive SAP as a lump sum in your final pay.

Your average weekly earnings for the purposes of SAP are calculated by looking at the two pay months prior to the 8th week before the matching date.

#### B) Occupational Adoption Pay (OAP)

Occupational Adoption Pay (OAP) is paid for the first 16 weeks of your adoption leave and 'tops up' any statutory pay (SAP) that you receive up to your basic contractual pay.

You can choose whether to receive OAP as:

16 weeks' full pay, or;

8 weeks' full pay followed by 16 weeks' half pay.

Any remaining SAP will continue to be paid after your OAP has ceased.

If your SAP is greater than your normal earnings, you won't be paid OAP.

To qualify for OAP you must have at least 1 year's continuous service with Durham SU on the date that you received notification of the placement.

If you leave the organisation within 12 weeks of returning to work after Maternity Leave, Durham SU has the right to recover any payment made in excess of SAP.

- 3.6.4 If your adoption is terminated during your adoption pay period, you will still continue to be entitled to adoption leave and pay (where applicable) for up to eight weeks after the placement ending.

### **3.7 Returning to work at the end of your adoption leave**

- 3.7.1 You will normally tell us your return to work date before the start of your adoption leave. If you would like to change your return date, you must agree this with your line manager with at least 28 days' notice before your return to work date.
- 3.7.2 If you return to work up to 26 weeks after your adoption leave started, you are normally entitled to return to work in the same position you held before starting your leave.
- 3.7.3 If you return to work more than 26 weeks after your adoption leave started, you still have the right to return to work and this would usually be to the same job. However, where this is not possible, this may be to another role which would be both suitable and appropriate and on terms and conditions that are not less favourable.

## **4. SHARED PARENTAL LEAVE PROCEDURE**

### **4.1 Overview**

- 4.1.1 Shared parental leave enables you to have a flexible approach to taking time away from work when your baby is born or when you adopt a child. The information in this section covers what you need to know about shared parental leave and pay.

### **4.2 Shared Parental Leave entitlement**

- 4.2.1 The eligibility rules around SPL are quite complex. It is your responsibility as an employee to check that you are eligible and to provide evidence of that eligibility to your manager.

- 4.2.2 Shared parental leave can only be used by two people: the pregnant parent or primary adopter, and either the co-parent or co-adopter.
- 4.2.3 Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.
- 4.2.4 You can take shared parental leave with your co-parent either in turns or together, providing the total amount of leave shared (including any maternity, paternity or adoption leave taken) does not exceed 52 weeks in total.
- 4.2.5 You can choose to take shared parental leave in a single continuous block, in smaller blocks of leave (a minimum of a week at a time), or interspersed with time at work (in contrast to maternity leave which must be taken in a single, continuous block).
- 4.2.6 If you are the pregnant parent or the primary adopter, the first two weeks following the birth or adoption of your child must still be taken as maternity leave or adoption leave. After this, you can end your maternity or adoption leave and statutory pay and share some or all of the remaining leave and pay entitlement with your co-parent.
- 4.2.7 Paternity leave is still available to eligible co-parents. If you wish to take paternity leave, this should be taken during the first eight weeks following the birth or placement of your child. Once shared parental leave starts, you will lose any untaken paternity leave entitlement.
- 4.2.8 The co-parent can also choose to take shared parental leave while the pregnant parent or primary adopter is still on maternity or adoption leave, providing the correct curtailment notices have been given and the eligibility criteria have been met.
- 4.2.9 However you choose to take your shared parental leave, it must be taken before your child's first birthday, or within the first year following your child's placement.

### **4.3 Eligibility for shared parental leave**

- 4.3.1 You are encouraged to contact your line manager as soon as possible if you are considering shared parental leave so they can refer you for more detailed information relating to your own personal circumstances.
- 4.3.2 Pregnant parents, co-parents, birth adopters (including those in foster-to-adopt arrangements) and surrogate parents could all be entitled to share in the statutory leave and pay available under shared parental leave regulations.
- 4.3.3 If you wish to take shared parental leave, you must satisfy each of the following criteria:
- the pregnant person/primary adopter must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
  - you must still be working for the organisation at the start of each period of shared parental leave;
  - you must have a minimum of 26 weeks' service at the end of the 15th week before the expected week of childbirth / adoption matching date;
  - your co-parent must have, in the 66 weeks leading up to the expected week of childbirth / adoption matching date have worked for at least 26 weeks and earned an average of at least £123 a week in any 13 of those weeks;
  - you must correctly notify Durham SU of your entitlement and provide evidence as required.
- 4.3.4 You must also follow the statutory notification and information requirements detailed in this policy.



#### **4.4 Notification of shared parental leave**

- 4.4.1 You must tell your line manager that you are intending to take shared parental leave at least eight weeks before it you would like the leave to start, and provide a written opt-in notice. Please see [Appendix 2](#) attached.
- 4.4.2 Failure to provide Durham SU with correct notification will make you ineligible for shared parental leave.

#### **4.5 Ending your maternity/adoption leave**

- 4.5.1 If you want to take shared parental leave, you must also give at least eight weeks' written notice to end your maternity / adoption leave (a curtailment notice) before you can take shared parental leave. Please see [Appendix 3](#) attached.
- 4.5.2 The curtailment notice is binding and cannot usually be revoked unless there are special circumstances.

#### **4.6 Ending the other parent's maternity/adoption leave or pay**

- 4.6.1 In the case of the birth of a child, where the other parent is still on maternity leave or claiming Statutory Maternity Pay or Maternity Allowance, or in the case of adoption where the other parent is the primary adopter and taking adoption leave or claiming Statutory Adoption Pay, you will only be able to take shared parental leave once they have either:
  - a) returned to work;
  - b) given their employer a curtailment notice to end their maternity/adoption leave;
  - c) given their employer a curtailment notice to end their SMP/SAP (if they are entitled to SMP/SAP but not maternity/adoption leave); or
  - d) in the case of the birth of a child, given the Benefits Office a curtailment notice to end their MA (if they are not entitled to maternity leave or SMP).

#### **4.7 Evidence of entitlement**

- 4.7.1 You must also provide as soon as possible:
  - a) In the case of the birth of a child, a copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth);
  - b) In the case of adoption, one or more documents from the adoption agency showing the agency's name and address and the expected placement date; and
  - c) In either case, the name and address of the other parent's employer (or a declaration that they have no employer).

#### **4.8 Booking SPL**

- 4.8.1 You must give at least eight weeks' notice of your proposed start and end dates for the SPL you are requesting. Usually these dates are submitted at the same time as the other notices of ending any maternity/adoption leave or pay, however requests may be made at a later date, as long as this is done at least eight weeks before the start date.
- 4.8.2 SPL can begin on any day of the week, but must be taken in complete weeks.
- 4.8.3 If you are requesting to take SPL in one continuous period, you should complete the Shared Parental Leave request form (Appendix B).
- 4.8.4 Requests to take SPL in one continuous period cannot be refused, as long as they meet eligibility requirements.



## **4.9 Discontinuous leave notifications**

- 4.9.1 You can give up to three separate notices to book leave. Each notice can either be to notify the organisation of a continuous period of leave, request discontinuous periods of leave or make a change to an existing request.
- 4.9.2 Any request for discontinuous leave must be agreed by your line manager. There is no guarantee that the pattern of leave requested can be accommodated, although every effort will be made to support your request for time off. Upon receiving a request for discontinuous leave, your manager should discuss with you the following:
- Do any of the dates requested have any impact on the organisation and how can this be managed?
  - Could any change to the proposed dates reduce the impact and could this change work for both you and the organisation?
  - The likely outcome if the request for discontinuous leave is not agreed
  - The business reasons for supporting their decision
- 4.9.3 Where there is concern of accommodating such a request, Durham SU may seek to arrange a meeting to discuss the notification with a view to come to an agreement that meets both your needs and the needs of the organisation.
- 4.9.4 Durham SU will consider discontinuous leave notifications but has the right to refuse them. If the leave pattern is refused, you can either withdraw it within 15 days, or take the leave in a single continuous block.
- 4.9.5 If you choose to take the leave in a single continuous block, you have until the 19<sup>th</sup> day from the date the original notification was made to choose when you want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date or withdraw the request, the leave will begin on the first leave date requested in the original notification.

## **4.10 Responding to a shared parental leave notification**

- 4.10.1 All notices and requests for shared parental leave will be confirmed in writing within 14 days of the leave notification being made.

## **4.11 Variations to arranged leave**

- 4.11.1 You are permitted to vary or cancel an agreed and booked period of SPL, provided that you inform Durham SU in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 4.11.2 Any variation or cancellation notification made, including notice to return to work early, will usually count as a new notification which will reduce your right to book and/or vary your leave by one. However, a change as a result of a child being born early, or as a result of you agreeing to a request made by Durham SU, will not count as further notification. Any variation(s) will be confirmed in writing by Durham SU.

## **4.12 Shared parental pay**

- 4.12.1 If you're eligible, your shared parental pay may include the following:
- Statutory Shared Parental Pay (SShPP), and/or
  - Occupational Shared Parental Pay (OShPP)
- 4.12.2 Shared Parental Pay (ShPP) is calculated weekly, paid into your bank account on normal pay days and is subject to tax and statutory deductions in the same way as your usual pay.
- 4.12.3 The following explains the eligibility criteria for ShPP:

#### A) Statutory Shared Parental Pay (SShPP)

SShPP will be paid at the flat rate or 90% of your average weekly earnings, whichever is lower. The flat rate is set each year by the government and is payable for a maximum of 37 weeks.

This is the same as Statutory Maternity Pay (SMP) except that during the first 6 weeks, SMP is paid at 90% of whatever you earn (with no maximum).

To qualify for SShPP, you must be eligible for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP); or eligible for Statutory Paternity Pay (SPP) and your co-parent is eligible for SMP, Maternity Allowance (MA) or SAP.

You must intend to care for the child during the time in which SShPP is payable.

Your average earnings for the period of eight weeks leading up to and including either the 15th week before the expected week of childbirth, or the adoption matching date, must also be enough to reach the lower limit for paying national insurance contributions.

You must remain in continuous employment until the first week of receiving SShPP, and ensure that you give proper notification in accordance with this policy.

#### B) Occupational Shared Parental Pay (OShPP)

Occupational Shared Parental Pay (OShPP) is paid for the first 14 weeks of your shared parental leave and 'tops up' any statutory pay (SShPP) that you receive up to your basic contractual pay.

You can choose whether to receive OShPP as:

14 weeks' full pay, or;

6 weeks' full pay followed by 16 weeks' half pay.

Any remaining SShPP will continue to be paid after your OShPP has ceased.

If your SShPP is greater than your normal earnings, you won't be paid OShPP.

Please note that the above options reflect the fact that the first two weeks' leave and pay are reserved for compulsory maternity / adoption leave. The remaining amount of weeks available will depend on the amount by which the pregnant parent / primary adopter reduces their maternity / adoption pay period.

To qualify for OShPP you must have at least 1 year's continuous service with Durham SU at the beginning of the 15<sup>th</sup> week before the expected week of childbirth, or, in the case of adoption, on the date that you received notification of the placement.

If you leave the organisation within 12 weeks of returning to work after Shared Parental Leave, Durham SU has the right to recover any payment made in excess of statutory pay.

- 4.12.4 If you are entitled to receive ShPP, you must, at least eight weeks before receiving any ShPP, give your line manager written notice advising of your entitlement to ShPP. To avoid duplication, where possible, this should be included as part of the notice of entitlement to take SPL (see [Appendix 2](#)).

### **4.13 Returning to work at the end of your shared parental leave**

- 4.13.1 You will be formally advised in writing of the end date of any period of SPL. You will be expected to return to work on the next working day after this date, unless you have notified us otherwise.

- 4.13.2 If you wish to return to work earlier than the expected return date, you should provide a written notice to vary the leave and must provide at least eight weeks' notice of the new return date. This will count as one of your notifications. If you have already used your three notifications to book and/or vary your leave, then Durham SU reserves the right to decline the request.
- 4.13.3 If you take less than 26 weeks' SPL, you have the right to return to the same job you were employed in before you began your SPL. If you choose to take more than 26 weeks' SPL, you have the right to return to the same job you were employed in before you began your SPL, or if that is not reasonably practicable, to return to another job which is suitable and appropriate.
- 4.13.4 The total amount of leave taken, including any maternity, paternity or adoption leave will be used to determine your right to return to your previous role.

## **5. Parental Leave Procedure**

### **5.1 Overview**

- 5.1.2 There are many reasons why you might choose to take parental leave. These might include:
- Spending more time with your children;
  - Caring for your children when usual childcare arrangements fail;
  - Settling your children into new childcare arrangements;
  - Caring for your children if they are unwell.

### **5.2 Parental leave entitlement**

- 5.2.2 You are entitled to take up to 18 weeks' unpaid parental leave to care for your child if they are under 18 years old. IF you have more than one child, you are entitled to take up to 18 weeks' leave for each child.
- 5.2.3 You can take more than a week at a time, or up to 18 weeks together, but you must take parental leave in weekly 'blocks' of time. If you take less than a contractual working week, it will still be counted as one week of your total entitlement.
- 5.2.4 Note: if your child qualifies for disability living allowance, there is no restriction on how much or how little parental leave may be taken at a time.

### **5.3 Eligibility**

- 5.3.2 To qualify for parental leave, you must have at least one year's continuous service with Durham SU and be the parent or have legal parental responsibility for the child.
- 5.3.3 All parental leave is unpaid.

### **5.4 Applying for parental leave**

- 5.4.2 You should discuss requests to take parental leave with your line manager.

### **5.5 Your rights**

- 5.5.2 Your employment before, during and after parental leave is treated as continuous service and therefore counts for the purposes of qualifying for statutory employment rights. You will also maintain your entitlement to employee benefits during parental leave. Some rights will be subject to change if you request to return to work on different terms and conditions.

## APPENDIX 1: PREGNANT WORKER RISK ASSESSMENT

### PREGNANT WORKERS RISK ASSESSMENT

**CONFIDENTIAL**

This must be completed with pregnant workers, or employees returning after giving birth (where applicable), reviewing the risk assessment guidance and discussing any concerns they may have in relation to their work. Further supporting information and guidance can be found in Durham SU's Parenthood Policy.

Employee's name:	
Department:	
Date:	Weeks Pregnant (approx.):
Any medical conditions that may complicate the pregnancy?	
Has the risk assessment identified a requirement for any workplace adjustment(s)? Y / N If YES please give details:	
We have discussed the risk assessment and agreed any necessary adjustments to working arrangements.	
Signature of Manager:	
Signature of Employee:	
Date set for review:	Date employee seen in between (if applicable):

### Review (24 – 28 weeks)

Date of review:	Weeks pregnant:
Has the risk assessment identified a requirement for any workplace adjustment(s)? Y / N If YES please give details:	
We have discussed the risk assessment and agreed any necessary adjustments to working arrangements.	
Signature of Manager:	
Signature of Employee:	
Date employee seen in between (if applicable):	

### Return to work assessment for new parents returning to work after giving birth

This section only needs to be completed if the employee has given birth in the last 6 months or is breastfeeding.

Date of review:	Number of months post birth:
Has the risk assessment identified a requirement for workplace adjustment(s)? Y / N If YES, please give details:	
Does the employee need facilities available to express milk during working hours? Y / N	
Are any adjustments to work tasks required? Y / N	
Date of follow up (if applicable):	

### Health and safety considerations to discuss with Pregnant Workers

The below table outlines the areas to consider:

<b>General Work Advice</b>
Dexterity, agility, co-ordination, speed and movement, reach and balance may be impaired during the later stages of pregnancy. Pregnant employees should not climb ladders in the 3rd trimester (24 weeks, or earlier with multiple pregnancies). Employees should be careful working in tight fitting spaces as this may lead to increased risk of accidents, strains or sprains. Standing is limited to 5 hours in any working day. Ensure employees take regular breaks to make the most of the opportunity to rest, particularly at lunch time. Extra care should be taken to avoid slips and trips. Line managers must review pregnant/new parents' progress regularly and refer them to HR if you or they have any concerns.
<b>Manual Handling</b>
During pregnancy, hormonal changes can affect the ligaments increasing susceptibility to injury or causing postural problems. Pregnant employees should follow the guidelines for safe lifting and handling and discuss any concerns with their Line Manager. Pregnant employees should not climb ladders after 24 weeks of pregnancy but if at any stage they feel uncomfortable with using a ladder, then they should talk to their Line Manager.
<b>Display Screen Equipment (DSE)</b>
There is no evidence to show that DSE work is harmful to a pregnant person or their baby. However, if their seating is not comfortable or their workstation is causing problems, they should discuss this with their Line Manager.
<b>Driving</b>
If Employees need to drive as part of their work they may find long distances increasingly uncomfortable. Employees should plan their travel carefully and take regular breaks. Employees should ensure that their seat belt continues to fit comfortably.

<b>Stress</b>
Being pregnant can make employees particularly vulnerable to stress. If they are finding any part of working life stressful, it is important that they discuss this with their line manager. Consideration will be taken of workload and shifts patterns. If employees need further support, refer to HR.
<b>Chemicals</b>
Risk assessments should have been carried out on all chemicals used in the workplace as required by the COSHH (control of substances hazardous to health) Regulations. These assessments will identify any potentially harmful substances for pregnant employees. There are very few harmful substances used within Durham SU, but pregnant employees should inform their manager if they are required work with chemicals.
<b>Biological Hazards</b>
These are risks from other living organisms. The risks are minimal in the workplace. Listeriosis is a bacterial infection that can be dangerous during pregnancy, and pregnant employees should avoid eating unpasteurised cheese and pates. There is little evidence to suggest that there is any risk from handling such products but strict personal hygiene and particular attention to thorough and regular hand washing is important. Employees should speak to their line manager if they have any concerns.
<b>Clothing</b>
If PPE is worn, pregnant employees may need a larger size as their pregnancy progresses so they will need to order the appropriate business dress.
<b>Working in extreme temperatures</b>
Employees working in extremes of temperature will tire more readily and should ensure they have regular breaks.
<b>Lone Working</b>
If employees work alone, they should keep in regular contact with their line manager or other designated person.
<b>Night Working</b>
Pregnant employees working at night should seek advice from their line manager, who will identify and discuss any relevant health and safety issues with them and can refer them to HR if further support and advice is needed.

## APPENDIX 2: SHARED PARENTAL LEAVE NOTIFICATION FORM

### NOTICE OF ENTITLEMENT AND INTENTION TO TAKE SHARED PARENTAL LEAVE

Please complete and return this form to your line manager at least eight weeks before the start date of the first period of SPL.

To be entitled to SPL you must:

- be the biological parent, or primary adopter of the child, or the co-parent of the pregnant parent or primary adopter, or a Parental Order parent in a surrogacy arrangement (all will be referred to in this form as the parent);
- have (or share with the other parent) the main responsibility for the care of the child;
- have at least 26 weeks' continuous service at the 15<sup>th</sup> week before the expected week of birth or at the week in which the primary adopter was notified of having been matched for adoption with the child (known as the 'relevant week');
- still be in continuous employment until the week before any SPL is taken.

The other parent must have at least 26 weeks' employment in the UK (employed or self-employed) out of the 66 weeks prior to the relevant week and have average weekly earnings of at least £30 during at least 13 of those weeks.

Please refer to Durham SU's parenthood policy for further information before completing this form.

Section 1 – Basic Details	
Employee name	
Child's expected date of birth/date of placement for adoption (if known)	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of pregnant parent/main adopter's maternity/adoption leave*	
End date of pregnant parent/main adopter's maternity/adoption leave*	

\* The pregnant parent/main adopter is required to take at least 2 weeks' maternity / adoption leave immediately following the birth/placement of the child.

## Section 2 – Shared Parental Leave Details

The total amount available is 52 weeks minus the number of weeks' leave/pay already taken by the mother/primary adopter (minimum 2 weeks) according to the dates given in the previous section.

Total number of weeks' maternity/adoption leave taken by pregnant parent/primary adopter before curtailment date (min 2 weeks)

Total number of weeks' SPL available (max 50 weeks i.e. 52 weeks minus the figure given above)

Number of weeks' SPL you intend to take

Indication of start and end dates of period(s) of SPL that you intend to take:

From:

To:

Number of weeks' SPL the other parent intends to take

Indication of start and end dates of period(s) of SPL that the other parent intends to take.

This is for the purposes of calculating your Shared Parental Pay entitlement. You must give 8 weeks' notice to the Employee Services Hub if these dates change. The other parent will need to submit their own notice of entitlement and intention to take shared parental leave to their own employer.

From:

To:

## Section 3 – Shared Parental Pay Details

The maximum total amount of Shared Parental Pay (ShPP) which can be available is 39 weeks minus the number of weeks' pay already taken (minimum 2 weeks) by the mother/primary adopter according to the dates given in Section 1.

Total number of weeks' maternity/adoption pay being taken by the mother/primary adopter (min 2 weeks)

Total number of weeks' ShPP available (39 weeks minus the number given above, i.e. max 37 weeks)

Number of weeks' ShPP you intend to claim

Indication of start and end dates of your ShPP period(s)

Number of weeks' ShPP the other parent intends to claim

Indication of start and end dates of period(s) of ShPP that the other parent intends to take



#### Section 4 – Employee notice of curtailment of maternity/adoption leave

Complete this section if:

- you are the employee named in this notice; and
- you are the pregnant parent or primary adopter

You must give at least eight weeks' notice of your curtailment date. If you are entitled to maternity/adoption leave the curtailment date must be at least two weeks after the birth/placement of your child.

Curtailment of maternity/adoption leave and pay is legally binding. You can only reinstate your maternity/adoption leave and pay if all the following conditions are met:

- the curtailment notice was given in advance of the birth; and
- the curtailment is revoked within 6 weeks of the birth; and
- the curtailment is revoked before the date of curtailment itself;

**I wish my maternity/adoption leave to be curtailed (i.e. to end) on**  
\_\_\_\_\_ **(date) and I understand this is legally binding.**

## Section 5 – Employee declaration

I confirm that I meet the following conditions:

- I am the biological parent or primary adopter of the child, or the partner of the pregnant parent or primary adopter.
- I have (or share with the other parent) the main responsibility for the care of the child and I am taking SPL in order to care for the child.
- I have at least 26 weeks' continuous service at the 15<sup>th</sup> week before the expected week of birth or at the week in which the primary adopter was notified of having been matched for adoption with the child (known as the 'qualifying week').
- I intend to be in continuous employment until the week before any SPL is taken.
- (if I am claiming Shared Parental Pay) I have average weekly earnings equal to or above the lower earnings limit over the eight week period ending with the qualifying week.
- I agree to inform Durham SU immediately if I cease to meet the conditions for entitlement to SPL or ShPP.

And, if you are the pregnant parent / primary adopter:

- I have submitted a curtailment of maternity/adoption leave notice by completing Section 4 above, and understand that this is legally binding.

**Signature:**

**Date:**

## Section 6 – Declaration of the other parent

Name	
Address	
National Insurance Number	

I confirm that I meet the following conditions:

- I have at least 26 weeks' employment in the UK (employed or self-employed) out of the 66 weeks' prior to the 15<sup>th</sup> week before the expected week of birth or the week in which the primary adopter was notified of having been matched for adoption with the child (known as the 'qualifying week')
- I have average weekly earnings of at least £30 during at least 13 of the 66 weeks prior to the qualifying week
- I agree to inform your employee immediately if I cease to meet the two conditions above
- I consent to your employee taking SPL and ShPP as set out in Sections 2 and 3 above

If you are the pregnant parent/primary adopter:

- I have given notice of curtailment of my maternity leave and pay/adoption leave and pay/maternity allowance or will have done so by the time your employee starts shared parental leave
- My maternity leave and pay/adoption leave and pay/maternity allowance will end on \_\_\_\_\_ (date).
- I consent to you processing the information contained in this declaration.

**Signature:**

**Date:**

### APPENDIX 3: NOTICE OF CURTAILMENT OF MATERNITY/ADOPTION LEAVE

Complete this form to curtail your maternity/adoption leave in order to make shared parental leave/pay available to your co-parent. Only complete this form if:

- you are a Durham SU employee, and
- you are eligible for maternity or adoption leave/pay, and
- you do not intend to take shared parental leave yourself\*, and
- your co-parent wants to take shared parental leave and/or pay.

\*If at a later date you decide you want to take shared parental leave, please complete Notice of entitlement and intention to take shared parental leave (Appendix 2).

Curtailment of maternity/adoption leave and pay is legally binding and cannot normally be reversed. You can only reinstate your maternity/adoption leave and pay if all the following conditions are met:

- the curtailment notice was given in advance of the birth/placement; and
- the curtailment is revoked within 6 weeks of the birth/placement; and
- the curtailment is revoked before the date of curtailment itself.

or in exceptional circumstances.

You must give at least eight weeks' notice of your curtailment date. The curtailment date must be at least two weeks after the birth/placement of your child.

Your name	
Child's expected date of birth/date of placement for adoption (if known)	
Child's actual date of birth/date of placement for adoption (if known)	
Start date of mother/main adopter's maternity/adoption leave	

**Declaration:** I wish my maternity/adoption leave to be curtailed (i.e. to end) on \_\_\_\_\_ (date) and I understand this is legally binding.

**Signature:**

**Date:**

**Name (print):**