**Example Policy for Churches and Associations**

**Shared Parental Leave for staff and ministers**

**Please note that for the purposes of this policy, the term “you” describes either the mother/adopter or the father of the child, or the spouse, civil partner or partner of the child’s mother/adopter. Where arrangements apply only to the mother/adopter, these are specified. “We” and “us” are used to describe the church as your employer.**

1. **What is Shared Parental Leave?** 
   1. Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child.
   2. All eligible staff and ministers have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.
2. **Who is eligible for Shared Parental Leave?**
   1. SPL can only be used by two people:

* The mother/adopter **and**
* One of the following:
  + the father of the child (in the case of birth) or
  + the spouse, civil partner or partner of the child's mother/ adopter.
  1. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

1. **Eligibility criteria**

3.1 Additionally, if you are seeking to take SPL you must satisfy each of the following criteria:

* The mother/adopter must be/have been entitled to statutory maternity/adoption leave, 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 SPL;
* You must pass the ‘continuity test’ requiring you to have a minimum of 26 weeks' service at the end of the 15th week before the child’s expected due date/matching date;
* The partner of the mother/adopter must meet the ‘employment and earnings test’ requiring them in the 66 weeks leading up to the child’s expected due date/matching date have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks;
* You must correctly notify the church of your entitlement and provide evidence as required.

1. **The Shared Parental Leave entitlement**

4.1 If you are eligible, you and your partner may be entitled to take up to 50 weeks SPL shared between you during the child’s first year in your family.

4.2 The number of weeks available is calculated using the mother/adopter’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks’ leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

4.3 The mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

4.4 If the mother/adopter not entitled to maternity/adoption leave but are entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

4.5 SPL can commence as follows:

* As the mother/adopter of the child, you can take SPL after you have taken the legally required two weeks of maternity leave immediately following the birth of the child
* The adopter can take SPL after taking at least two weeks of adoption leave
* The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).

4.6 Where the mother/adopter gives notice to curtail your maternity/adoption entitlement then their partner can take leave while they are still using their maternity/adoption entitlements.

4.7 SPL will generally commence on your chosen start date specified in your leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If you are eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

4.8 SPL must end no later than one year after the birth/placement of your child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

1. **Notifying the church of an entitlement to Shared Parental Leave**

5.1 If you are entitled and intending to take SPL you must give the church notification of your entitlement and intention to take to SPL at least eight weeks before you can take any period of SPL.

5.2 Part of the eligibility criteria requires you and your partner to provide the church with correct notification. Notification must be in writing and forms for mothers and for partners are attached (SPL Form 1 - SPL and ShPP notification form (mothers) and SPL Form 2 - SPL and ShPP notification forms (partners)) with this policy. You must supply all of the information required on the form and sign the declaration section for your request for SPL to be valid.

5.4 You must also provide the organisation with a signed declaration from your partner and a form for this is attached with this policy (included in the SPL and ShPP notification form).

1. **Requesting further evidence of eligibility**

6.1 The organisation may, within 14 days of the SPL entitlement notification being given, request:

* the name and business address of your partner’s employer (where your partner is no longer employed or is self employed their contact details must be given instead)
* in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
* in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were was notified of having been matched with the child and the date on which the agency expects to place the child for adoption

6.2 In order to be entitled to SPL, you must produce this information within 14 days of the employer’s request.

1. **Discussions regarding Shared Parental Leave**

7.1 If you are considering/taking SPL please speak to us as early as possible regarding your potential entitlement, to talk about your plans and to enable us to support you.Your partner should also speak to their employer.

7.2 Upon receiving a leave booking notice we will usually arrange a meeting to discuss it. This will take place in private and be arranged in advance. At the meeting you may, if you wish, be accompanied by a colleague, trade union representative or even a personal friend or family member.

7.3 The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to you and to us, and what the outcome may be if no agreement is reached.

1. **Booking Shared Parental Leave**

8.1 In addition to notifying us of your entitlement to SPL/ShPP, you and your partner must also give notice to take the leave to your respective church/employer. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL. Please use Form 3 (SPL leave notice) for this purpose.

8.2 You and your partner have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

8.3 SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where you return to work between periods of SPL, the next period of SPL can start on any day of the week.

9.4 You must book SPL by giving the correct notification at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

*9.5 Continuous leave notifications*

A notification can be for a period of **continuous leave**, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

You have the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the church/employer has been given at least eight weeks’ notice.

You may submit up to three separate notifications for continuous periods of leave.

*9.6 Discontinuous leave notifications*

A single notification may also contain a request for two or more periods of **discontinuous leave**, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where you return to work (for example, an arrangement where you will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, either you or the church can arrange a meeting to discuss the requirements and to identify what arrangements may be possible.

We will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

1. **Responding to a Shared Parental Leave notification**

9.1 Once we receive your leave booking notice, we will respond in writing within 14 days.

9.2 We will carefully consider all requests for discontinuous leave on a case-by-case basis. If we cannot agree to your request, you can withdraw it within 15 days of your original notification. Alternatively you can take the total number of weeks in a single continuous block.

9.3 Remember that you must give 8 weeks’ notice of shared parental leave - this date runs from the day you submit your original notification.

1. **Variations to arranged Shared Parental Leave**

11.1 You can vary or cancel an agreed and booked period of SPL, provided that you tell us in writing at least eight weeks before the date of any variation. Please use Form 4 (SPL variation notice) for this. Any new start date cannot be sooner than eight weeks from the date of the variation request.

11.2 Any variation or cancellation notification you give, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one, unless it is as a result of a child being born early, or as a result of us asking you to change the date.

1. **Statutory Shared Parental Pay (ShPP)**

11.1 If you meet the eligibility criteria, then you may be entitled to take up to 37 weeks ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period. ShPP may be payable during some or all of your SPL, depending on the length and timing of the leave.

11.2 In addition to meeting the eligibility requirements for SPL, you must also satisfy each of the following criteria:

* The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
* You/your partner must intend to care for the child during the week in which ShPP is payable;
* You/your partner must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child’s expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
* You/your partner must remain in continuous employment until the first week of ShPP has begun;
* You must give proper notification and we have included this on Forms 1 and 2).

11.3 If you are entitled to receive ShPP you must give us at least 8 weeks’ notice, advising of your entitlement to ShPP.

11.4 Any ShPP due will be paid at a rate set by the Government for the relevant tax year. However, if the mother/adopter is a Baptist minister on the BUGB standard terms of appointment and is entitled to enhanced maternity pay for the first 26 weeks of her maternity absence, then this enhanced rate will also be applied to the mother/adopter for 24 weeks of SPL, or to her husband/partner if they are also employed or appointed by the church. For those not employed or appointed by the church, the ShPP rates specified in their own employer’s SPL policy will apply.

1. **Terms and conditions during Shared Parental Leave**

12.1 During the period of SPL, your employment contract or appointment terms remain in force and you are entitled to receive all your contractual benefits, except for salary. In particular, any benefits in kind (such as housing provision or allowance, laptop, mobile phone) will continue and your holiday entitlement will continue to accrue.

12.2 Pension contributions will continue to be made during any period when you are receiving ShPP but not during any period of unpaid SPL. Your contributions will be based on actual pay, while our contributions will be based on the salary/stipend that you would have received had you not been taking SPL.

1. **Annual Leave**

13.1 SPL is granted in addition to your normal annual holiday entitlement. You are reminded that holiday should wherever possible be taken in the year that it is earned.

13.2 Where an SPL period overlaps two leave years please consider how your annual leave entitlement can be used to ensure that it is not untaken at the end of the holiday year.

1. **Contact during Shared Parental Leave**

14.1 Before your SPL begins, we will discuss the arrangements for you to keep in touch during your leave. We expect to maintain reasonable contact with you from time to time during your SPL. This may be to discuss your plans to return to work, to make you aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease your return to work or simply to update you on developments during your absence.

1. **Shared Parental Leave in Touch days**

15.1 You can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing your period of SPL to an end or impacting on your right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

15.2 We have no right to require you to carry out any work, and we are under no obligation to offer you any work, during your SPL. Any work undertaken is a matter for agreement between us. If you take a SPLIT day you will receive full pay/stipend for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively ‘topped up’ so that you receive full pay/stipend for the day in question. Any SPLIT days worked do not extend your period of SPL.

15.3 With our agreement, you may use SPLIT days to work part of a week during SPL. You can use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern.

1. **Returning to work after Shared Parental Leave**

16.1 We will have told you in writing the end date of any period of SPL. You are expected to return on the next working day after this date, unless you tell us otherwise. If you are unable to attend work due to sickness or injury, our normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

16.2 If you wish to return to work earlier than the expected return date, you must give us at least 8 week’s written notice of this, and this will count as one of your notifications. If you have already used your three notifications to book and/or vary leave then we not have to accept the notice to return early, but we may do if it is considered to be reasonably practicable to do so.

16.3 If your maternity/paternity/adoption leave and SPL amounts to less than 26 weeks in aggregate, you are entitled to return to the same job/position you held before commencing the last period of leave.

16.4 If your maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, you are entitled to return to the same job you held before commencing the last period of leave or, if this is not reasonably practicable, to another job/position which is both suitable and appropriate and on terms and conditions no less favourable.

16.5 If you also take a period of unpaid parental leave of 4 weeks or less this will have no effect on your right to return.

16.6 If you take a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, you will be entitled to return to the same job/position you held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

The provisions for Shared Parental Leave are quite complex, so if you have any questions or concerns please speak to the Church Secretary, who can obtain advice from the regional Association team of from the BUGB Support Services Team.

June 2015

**SPL Form 1 - Shared parental leave notice of entitlement (mother)**

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| **Name of staff member/minister:** |  |
| **Position:** |  |
| I wish to provide the church with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and my partner. | |
| **Section A: information to be provided by staff member/minister** | |
| **My husband/ partner's name is:** |  |
| **My maternity leave is expected to start] on:** |  |
| **My maternity leave is expected to end] on:** |  |
| **My child's expected week of birth is:** |  |
| **The total amount of shared parental leave my husband/partner and I have available is:** |  |
| **I intend to take the following number of weeks' shared parental leave:** |  |
| **My husband/partner intends to take the following number of weeks' shared parental leave:** |  |
| **I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take):** |  |
| **The total amount of shared parental pay (if applicable) my husband/partner and I have available is:** |  |
| **I intend to take the following number of weeks' shared parental pay (if applicable):** |  |
| **My husband/partner intends to take the following number of weeks' shared parental pay (if applicable):** |  |
| **I intend to take shared parental pay on the following dates (if applicable):** |  |
| **Section B: declaration to be completed by staff member/minister** | |
| **I satisfy the following eligibility requirements to take shared parental leave*:***  ***(please write ‘Yes’ in each box if you can confirm that you meet the requirement)*** | |
| I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the church. |  |
| At the date of the child's birth, I have or will have the main responsibility, apart from my husband/partner, for the care of the child |  |
| I am entitled to statutory maternity leave in respect of the child |  |
| I have complied with the church's maternity leave curtailment requirements/returned to work before the end of my statutory maternity leave period, and will comply with the church's shared parental leave notice and evidence requirements |  |
| The information that I have provided is accurate |  |
| I will immediately inform the church if I cease to care for the child |  |
| **Section C: declaration to be completed by employee's husband/partner** | |
| **My name is:** |  |
| **My address is:** |  |
| **[My national insurance number is/I do not have a national insurance number]:** |  |
| **I satisfy or will satisfy the following eligibility requirements to enable the mother to take shared parental leave:**  ***(please write ‘Yes’ in each box if you can confirm that you meet the requirement)*** | |
| I have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth |  |
| I have average weekly earnings of at least £30 for any 13 of those 66 weeks |  |
| At the date of the child's birth, I have or will have] the main responsibility, apart from the mother, for the care of the child |  |
| I am the father of the child, or am married to, the civil partner of, or the partner of, the mother |  |
| I consent to the amount of shared parental leave that the mother intends to take |  |
| I consent to the church processing the information provided in this form |  |
| **Section D: Signatures** | |
| Signed (mother): |  |
| Dated (mother): |  |
| Signed (husband/partner): |  |
| Dated (husband/partner): |  |
| **Notes**  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to allow the church to check that you are entitled to shared parental leave and to provide us with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give us a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving us a variation notice. | |

**SPL Form 2 - Shared parental leave notification form (husband/partner)**

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| **Shared parental leave: notice of entitlement and intention (husband/partner)** | |
| **Name of staff member/minister:** |  |
| **Position:** |  |
| I wish to provide the church with an initial indication of my proposed shared parental leave, as well as the required declarations from myself and the mother. | |
| **Section A: information to be provided by staff member/minister** | |
| The mother's name is: |  |
| The mother's maternity leave is expected to start on: |  |
| The mother's maternity leave is expected to end on: |  |
| The mother is expected to receive] the following periods of statutory maternity pay or maternity allowance: |  |
| My child's expected week of birth is: |  |
| The total amount of shared parental leave the mother and I have available is: |  |
| I intend to take the following number of weeks' shared parental leave: |  |
| The mother intends to take the following number of weeks' shared parental leave: |  |
| I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take): |  |
| The total amount of shared parental pay (if applicable) the mother and I have available is: |  |
| I intend to take the following number of weeks' shared parental pay (if applicable): |  |
| The mother intends to take the following number of weeks' shared parental pay (if applicable): |  |
| I intend to take shared parental pay on the following dates (if applicable): |  |
| **Section B: declaration to be completed by staff member/minister** | |
| **I declare that I satisfy or will satisfy the following eligibility requirements to take shared parental leave:**  ***(please write ‘Yes’ in each box if you can confirm that you meet the requirement)*** | |
| I have/will have 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and, by the week before any period of shared parental leave that I take, I will have remained in continuous employment with the church |  |
| At the date of the child's birth, I have or will have the main responsibility, apart from the mother, for the care of the child |  |
| I will comply with the church's shared parental leave notice and evidence requirements |  |
| The information that I have provided is accurate |  |
| I am the father of the child, or am married to, the civil partner of, or the partner of, the mother |  |
| I will immediately inform the organisation if I cease to care for the child or if the child's mother informs me that she has revoked the curtailment of her maternity leave or pay period |  |
| **Section C: declaration to be completed by the mother** | |
| My name is: |  |
| My address is: |  |
| My national insurance number is/I do not have a national insurance number: |  |
| **I satisfy or will satisfy the following eligibility requirements to enable my husband/partner to take shared parental leave:**  ***(please write ‘Yes’ in each box if you can confirm that you meet the requirement)*** | |
| I have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the expected week of childbirth |  |
| I have average weekly earnings of at least £30 for any 13 of those 66 weeks |  |
| At the date of the child's birth, I have or will have the main responsibility, apart from my husband/partner, for the care of the child |  |
| I am entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child |  |
| I have curtailed my maternity leave/returned to work before the end of my statutory maternity leave period |  |
| I consent to the amount of shared parental leave that my husband/partner intends to take |  |
| I will immediately inform my husband/partner if I no longer meet the requirements to curtail my maternity leave (and pay, if applicable) |  |
| I consent to your organisation processing the information provided in this form |  |
| **Section D: Signatures** | |
| **Signed (partner):** |  |
| **Dated (partner):** |  |
| **Signed (mother):** |  |
| **Dated (mother):** |  |
| **Notes**  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to allow the church to check that you are entitled to shared parental leave and to provide the church with an initial indication of the shared parental leave pattern that you wish to take. The notice is not binding and you must give the church a period of leave notice at least eight weeks before the first period of shared parental leave in that notice that you wish to take. Any periods of shared parental leave that you indicate in this notice can be changed at a later date by giving the church a variation notice. | |

**SPL Form 3 - Shared parental leave period of notice form (for mother or husband/partner)**

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| **Shared parental leave: period of leave notice** | |
| **Name of staff member/minister:** |  |
| **Position:** |  |
| I wish to take the following period(s) of shared parental leave. Please complete either section A or section B. | |
| **Section A: please fill out if your child has already been born or if you know the exact dates on which you would like to take shared parental leave.** | |
| I intend to take shared parental leave on the following dates (please include the start and end dates for each period of leave that you intend to take): |  |
| **Section B: please fill out if your child has not been born yet and you wish your shared parental leave to start either on the day on which your child is born, or a specified number of days after the day on which your child is born.** | |
| I wish my shared parental leave to start on the day on which my child is born OR the following number of days after the date on which my child is born: |  |
| I wish my shared parental leave to end the following number of days after the date on which my child is born: |  |
| **Signed:** |  |
| **Dated:** |  |
| **Notes**  You can request to take shared parental leave in one continuous block (in which case the church is required to accept the request as long as you meet the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case you need the church's agreement). A maximum of three requests for leave per pregnancy can normally be made by each parent.  The start date of the first period of shared parental leave that you wish to take must be at least eight weeks after you have provided this notice. Shared parental leave must be taken in blocks of at least one week.  This notice is to confirm to the church the shared parental leave that you intend to take. You must have already submitted a notice of entitlement and intention before using this form.  The church recognises that plans can change. However, we recommend that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.  You and your partner must take any shared parental leave within 52 weeks of the birth of your child. | |

**Form 4 - Shared parental leave – variation notice**

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| **Shared parental leave: variation of period of leave notice** | |
| **Name of staff member/minister:** |  |
| **Job title:** |  |
| **I previously provided the church with notice of my proposed shared parental leave in a period of leave notice dated [date]. I now wish to amend my shared parental leave request.** | |
| I had already notified the church in my period of leave notice or a variation of period of leave notice (if applicable) that I would be taking the following periods of shared parental leave: |  |
| I now intend to take shared parental leave on the following dates instead (please include the start and end dates for each period of leave that you now intend to take): |  |
| I have already notified the church of the following periods of statutory shared parental pay (if applicable): |  |
| **Signed:** |  |
| **Dated:** |  |

|  |
| --- |
| **Notes**  This notice is to amend a period of shared parental leave that you intend to take and that you provided in a period of leave notice. You must have already submitted a period of leave notice before using this form.  The church recognises that plans can change. However, we recommend that you and your partner think carefully about your shared parental leave before submitting this form, as opportunities to amend your requests for shared parental leave are limited. Apart from exceptional circumstances, you can submit a period of leave notice or a notice that you have changed your mind about shared parental leave dates on a combined total of just three occasions.  You and your partner must take any shared parental leave within 52 weeks of the birth of your child. |

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Registered CIO with charity number 1181392

Jan 2020