



Shared Parental Leave Policy

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ANGELICAN MISSION IN ENGLAND





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Next review date in 2028



If anything in this policy contradicts an employment contract between Cornerstone Church Grays and an employed individual, the employment contract takes precedence.

Policy and Purpose

Shared Parental Leave (Shared Parental Leave) was brought into law in April 2015. While the initial take up has been fairly slow, it is important to be prepared should a request be made.

Shared Parental Leave allows for both parties to share statutory leave but requires one form of leave (maternity or adoption) to be terminated in order to start Shared Parental Leave.

The guidance below shows how Shared Parental Leave will work in practice

Eligibility

As with Maternity leave, you need to have 26 weeks service by the Qualifying Week (15 weeks before the Expected Week of Childbirth) to qualify for Shared Parental Leave. There are also earnings requirements but unless you have casual workers, this should not be of any concern.

What leave can be shared?

Up to 50 weeks of leave and 37 weeks of pay can be transferred from one partner to another.

How can I check that the leave request is genuine?

Where Shared Parental Leave is to be used, there is a requirement for both partners to provide a statement that the request is genuine and that they both meet the eligibility requirement. You can also ask for consent to contact the other partner's employers to verify the request. You can also ask for a copy of the birth certificate/placement certificate.

What are SPLIT days and how should they be used?

Up to 20 SPLIT days can be taken during Shared Parental Leave. These work the same way as KIT days; they are mutually agreed days where the employee attends work during their leave. They should be paid at normal rate (less any statutory payments due). SPLIT days can't be 'split' - even if only 1 hour is worked, that uses up 1 days entitlement.



What happens with pension and other contractual benefits?

This depends on how your pension scheme is set up. Most churches will have a form of Group Personal Pension which is also called a 'Defined Contribution' scheme. The below table summarises the guidance from the [Pensions Advisory Service](#):

Period of Shared Parental Leave	Employer contributions	Employee contributions
39 weeks paid leave	Based on pre-leave pensionable salary	Based on current take home pay
13 weeks unpaid leave	Depends on contract – nil contribution unless contract states otherwise	Based on current take home pay

If you have a Defined Benefit scheme, different rules apply. Please seek specialist advice if unsure.

What happens with other benefits during Shared Parental Leave?

All contractual benefits should be maintained during Shared Parental leave.

What happens with holidays during maternity leave?

Statutory holidays continue to accrue during Shared Parental leave and even if your contract states that holidays cannot be carried over, they should be honoured in this case. This may result in a large number of holidays owing at the time the employee is due to return to work. It may be a good idea for the employee to either tag paid annual leave onto the end of their Shared Parental leave or to use it as a phased return to work (eg work 3 days and take 2 days holiday each week until the annual leave is used up).

Appendix 1 – Detailed Guidelines

How do I qualify for Shared Parental Leave?

- 1 If you want more flexibility in the first year after your baby is born, you and your partner may want to consider Shared Parental Leave instead of just taking maternity and paternity leave. Provided that you are both eligible, ShPL allows you to split the available leave between you, so that you can be off work at the same time or consecutively.
- 2 There is a total of 52 weeks of ShPL available, less any weeks the mother has either been on maternity leave (including the compulsory period) or receiving SMP or Maternity Allowance ('MA') if she is not entitled to maternity leave. ShPL is additional to paternity leave.
- 3 You or your partner may be eligible for ShPL if:
 - you are the mother and share the main childcare responsibility with the child's father or your partner; or
 - you are the father and share the main childcare responsibility with the child's mother; or
 - you are the mother's partner and share the main childcare responsibility with the mother in place of the father; and
 - you have worked for us for at least 26 continuous weeks by the end of the Qualifying Week and you will still be employed by us before you take ShPL; and
 - the other parent has worked at least 26 of the 66 weeks before the EWC — this can be as an employee or self-employed — and had weekly earnings averaging at least £30 during 13 of the weeks; and
 - you and the other parent fulfil the notice and other requirements detailed below.
- 4 The child's mother cannot start ShPL until the end of the compulsory maternity leave period. This is usually two weeks after birth.
- 5 The child's father, or the mother's partner, may consider using their two weeks' paternity leave before starting ShPL as once ShPL starts, any paternity leave not already taken is lost.

What paperwork is needed to claim Shared Parental Leave?

- 1 You must tell us in writing at least eight weeks before you intend your ShPL to begin that you want to opt in to the ShPL scheme. We will also need to know:
 - your name and the other parent's name;
 - the start and end dates of the mother's maternity leave (or the SMP or MA start and end dates if she is not eligible for maternity leave);
 - how many weeks of ShPL is available — that is, 52 weeks less maternity leave, SMP or MA already taken by the mother or due to be taken;
 - how many weeks ShPL you will take and how many the other parent will take — you can change this by telling us in writing and you do not have to take your full allowance;
 - the total Statutory Shared Parental Pay ('ShPP') available — that is, 39 weeks less the number of weeks of SMP or MA already taken or due to be taken;



- how many weeks of the ShPP available is to be allocated to you and how many to the other parent — you can change this by writing to us, and you do not need to use all your allocation;
- the pattern of leave you want to take, with start and end dates for each block of leave — although this is not binding, it will help us if you give us as much information as possible; and
- that you and the other parent are both eligible to claim ShPL and ShPP — we will need signed declarations from both of you.

2 If you are the child's mother, you must give us at least eight weeks' notice in writing ending your maternity leave. We need this curtailment notice at the same time as you supply the ShPL opt-in notice and you cannot take ShPL unless we have it. In the notice, you must tell us the date your maternity leave will end, which must be at least two weeks after the baby is born.

3 If your partner is the one taking ShPL, we need a written declaration that their employer has received an opt-in notice and all the necessary declarations have been made. They may be able to take ShPL from their employer before your maternity leave ends, but only if we have received your curtailment notice.

4 Curtailment notices are binding and can only be revoked if your maternity leave has yet to finish and you meet one of these conditions:

- you find out that neither you nor the other parent is eligible for ShPL or ShPP — in this case you can revoke the curtailment notice by writing to us any time up to eight weeks after it was given; or
- the curtailment notice was issued before the birth and you are revoking it in writing during the six weeks after the birth; or
- the child's other parent has died.

5 You cannot opt back into the ShPL scheme after you revoke a curtailment notice except if the notice was given to us before the birth and it is revoked in writing during the six weeks following the birth.

6 If the mother is still on maternity leave or claiming SMP or MA, you as the partner will be unable to start ShPL until she:

- has returned to work; or
- has given a curtailment notice to her employer to finish her maternity leave; or
- has given a curtailment notice to her employer to finish her SMP; or
- has given the benefits office a curtailment notice ending her MA.

7 We may also ask you to provide the following:

- A copy of your child's birth certificate or a signed declaration of the date and place of birth if you have yet to get the certificate; and
- Contact details for the other parent's employer, or a declaration that they do not have an employer.



How do I organise Shared Parental Leave?

- 1 Once you have opted into the ShPL scheme, you need to give us a 'period of leave' notice to book your time off. You can give us this at the same time as your opt-in notice or at any other time, as long as it is at least eight weeks before the first period of ShPL begins.
- 2 On the 'period of leave' notice you can either give us specific dates or the number of days after the birth that you want ShPL to start and finish. You may prefer the second option if the father plans taking paternity leave as soon as the baby is born and wants ShPL to run on from it. You must take ShPL in blocks of at least one week at a time.
- 3 You are automatically entitled to take a single continuous block of ShPL (but we will consider any request for separate blocks of ShPL as detailed in the following paragraphs).
- 4 You may lodge up to three 'period of leave' notices, which may allow you to take up to three separate ShPL blocks with periods at work in between. If you later reschedule or cancel one of the blocks, it nevertheless counts towards your three notices.
- 5 To make it easier for us to consider allowing you to take ShPL in more than one block, you should discuss your requirements with the trustee responsible for HR as early as possible before you submit your formal 'period of leave' notice.
- 6 If you want separate blocks of ShPL, you must give us details of the pattern you want to follow in your 'period of leave' notice. Once we have received this, we will either agree immediately or we will start a discussion period with you which will last for two weeks. If we reach agreement, we will confirm this in writing before the end of the two-week period. If we fail to agree, you can take all the ShPL you asked for in one continuous block, beginning on the start date you gave us in your notice. For example, if you asked for three separate three-week periods, you can combine them into one continuous 9-week leave period.
- 7 The other way we can approach this is if you agree to the following:
 - Choosing a new start date and telling us what it is within five days of the two-week discussion period ending. The new date has to be at least eight weeks after the start date of the first of the blocks you asked for; or
 - Withdrawing the notice and informing us within two days of the two-week discussion period ending. This will not be counted as a 'period of leave' notice and you are free to submit a fresh one.
- 8 If you need to cancel a period of ShPL, you must tell us in writing at least eight weeks ahead of the relevant block start date.
- 9 If you want to change a start date, you must put your request in writing at least eight weeks before whichever is the earlier of the original and new start dates. Similarly, you can change the end date if you inform us at least eight weeks before whichever is the earlier of the original or new end dates.
- 10 If you want to combine blocks of ShPL into one continuous period, you will need to give us the new start or end date, whichever is relevant.
- 11 If you want to split a continuous period of ShPL into two or more periods separated by periods at work, you will need to tell us the new start or end date. We may not be able to agree, but are prepared to approach your request as if you had asked for separate blocks of ShPL in the first place.



12 If you submit a notice to change or cancel a block of leave, we will count this as one of your three 'period of leave' notices. There are three exceptions to this rule, which are:

- if the change is because your baby was born earlier or later than the EWC;
- if you cancel a request for separate blocks of leave within two days of the two-week discussion period ending; or
- we ask you to make the change.

What happens during Shared Parental Leave?

1 If your baby is born before the beginning of the EWC, we may allow you to start ShPL during the eight weeks following birth despite you being unable to give us eight weeks' notice. To enable us to do so, we need to apply the following rules:

- If your 'period of leave' notice gave us a set date within the eight weeks following the EWC for your ShPL to start, you can move the date forward by the same number of days as long as you write to tell us as soon as possible;
- If you want to take ShPL in the eight weeks following birth and your baby arrives early, you will need to give us your opt-in notice and 'period of leave' notice as soon as possible.

2 If you had a start date of a set number of days — rather than a set date — after the birth in your 'period of leave' notice, you do not need to do anything.

3 You will continue to receive benefits due to you under your employment contract. Except for terms relating to pay, all your normal terms and conditions will apply and you will continue to accrue holiday entitlement.

4 If you are due any holiday, you should discuss with the trustee responsible for HR when to take this before starting ShPL, and if you are the mother you should try to take any holiday due to you before your maternity leave begins.

5 We may need to contact you from time to time while you are on ShPL leave — for example to discuss arrangements for when you return.

6 You may also be asked to work during ShPL for up to 20 days. These are known as SPLIT (Shared Parental Leave In Touch) days. This includes training and — if you are a woman — in addition to the 10 Keeping In Touch days you have the option to work during your maternity leave. You are not obliged to work any of these days, but if you do, you will be paid at a rate agreed with the trustee responsible for HR. This also applies if you ask to work any of the 20 days.

What happens when I return to work?

1 You must give us eight weeks' notice in writing if you want to end a ShPL period early and provide the new return-to-work date. You will be unable to end your ShPL early without our agreement if you have already used your three 'period of leave' notices.

2 If you have unused ShPL entitlement and want to extend your leave, you must tell us in writing by submitting a 'period of leave' notice at least eight weeks before the date you had intended returning to work. You will be unable to extend your ShPL without our agreement if you have already used your three 'period of leave' notices.



3 You are entitled to take up the same job with the same employment terms you had before going on ShPL. However, in certain circumstances it may not be reasonably practical for you to resume your previous role and we may place you in another appropriate post with no less favourable terms and conditions. This will only apply if:

- your ShPL plus any maternity or paternity leave taken amounts to more than 26 weeks, irrespective of whether or not it was taken consecutively; or
- your ShPL was taken consecutively, before or after more than four weeks of ordinary parental leave.

Can I claim statutory Shared Parental Pay?

1 If you have at least 26 weeks' continuous employment with us at the end of the Qualifying Week, you may be able to claim Statutory Shared Parental Pay for up to 39 weeks. We will pay this at the rate set annually by the government, less any SMP or MA already claimed by either you or your partner. Your average earnings must be not less than the lower earnings limit set each tax year for you to qualify.

2 When you give us your 'period of leave' notice (or notices), you must notify us that you intend to claim ShPP while you are on ShPL. You can also write to us at least eight weeks before the date you want us to start paying your ShPP if you have not already told us in a 'period of leave' notice.