

# JOINT NEGOTIATING COUNCIL EDUCATION AUTHORITY

11 September 2020

To JNC Council Members  
MSO/TUSO

**Joint Negotiating Council Circular No. 236 (First Revision)**

**PARENTAL LEAVE SCHEMES:  
MATERNITY, PATERNITY, ADOPTION, ORDINARY PARENTAL AND SHARED PARENTAL LEAVE  
SCHEMES**

The Joint Secretaries of the Joint Negotiating Council have considered and agreed the revised suite of parental leave schemes relating to Maternity, Paternity, Adoption, Ordinary Parental and Shared Parental Leave.

The above provisions have been amended to reflect changes to the Local Government Pension Scheme (Amendment) Regulations (Northern Ireland) (SRNI 2019 No. 206) which took effect from 18 November 2019. The regulations reinstated employee and employer contributions to the Local Government Pension Scheme for the first 30 days' absence with permission e.g. career break or approved unpaid leave.

Copies of the revised Maternity, Paternity, Adoption, Ordinary Parental Leave and Shared Parental Leave schemes are attached to this circular as Annexes 1 to 5 respectively.

**This circular supersedes previous JNC circular No 268 dated 04 October 2017 which should be destroyed and replaced with this version.**



Management Side Secretary  
R McGreevy



Trade Union Side Secretary  
A Law



Trade Union Side Secretary  
A Speed



Trade Union Side Secretary  
J Donley



Trade Union Side Secretary  
K Ellison

**EDUCATION AUTHORITY****MATERNITY LEAVE SCHEME****NOTES FOR GUIDANCE**

These notes are not intended as a full and definitive statement of maternity rights or provisions.

Advice is available from the People Services Section, Human Resources Directorate, Education Authority at the following locations:

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40 Academy Street BELFAST BT1 2NQ	Ballee Centre Ballee Road West Ballymena BT42 2HS	Grahamsbridge Road DUNDONALD BT16 2HS
3 Charlemont Place The Mall, ARMAGH BT61 9AX	1 Hospital Road OMAGH BT79 0AW	

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Telephone : 028 9041 8006 and select the relevant region

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**ENTITLEMENT OVERVIEW**

<b>QUALIFYING SERVICE</b>	<b>ENTITLEMENT</b>
Less than 26 weeks' continuous service leading into the 15 <sup>th</sup> week before the expected week of childbirth (EWC)	<ul style="list-style-type: none"> <li>• 26 weeks' Ordinary Maternity Leave; plus</li> <li>• 26 weeks' Additional Maternity Leave;</li> <li>• In most cases, Maternity Allowance for 39 weeks</li> </ul>
26 weeks' continuous service leading into the 15 <sup>th</sup> week before the expected week of childbirth (EWC)	<ul style="list-style-type: none"> <li>• 26 weeks' Ordinary Maternity Leave; plus</li> <li>• 26 weeks' Additional Maternity Leave.</li> <li>• If eligible, 39 weeks' Statutory Maternity Pay or Maternity Allowance.</li> </ul>
1 year's continuous service at the 11 <sup>th</sup> week before the expected week of childbirth (EWC)	<ul style="list-style-type: none"> <li>• 26 weeks' Ordinary Maternity Leave; plus</li> <li>• 26 weeks' Additional Maternity Leave.</li> <li>• 18 weeks' Occupational Maternity Pay.</li> <li>• If eligible, 39 weeks' Statutory Maternity Pay.</li> </ul>

## ABBREVIATIONS AND TERMS

<i>AML</i>	Additional Maternity Leave.
<i>EWC</i>	Expected Week of Childbirth. This is the week in which your baby is expected to be born.
<i>KIT</i>	Keeping in Touch Days.
<i>LEL</i>	Lower Earnings Limit – for National Insurance Contributions. Used as the level of earnings for entitlements to Statutory Maternity Pay.
<i>MATB1</i>	Maternity Certificate issued by a doctor or midwife up to 20 weeks before the baby is due.
<i>MA</i>	Maternity Allowance.
<i>ML</i>	Maternity Leave.
<i>ML2 Form</i>	Application form for Maternity Leave.
<i>MPP</i>	Maternity Pay Period.
<i>OMP</i>	Occupational Maternity Pay.
<i>OML</i>	Ordinary Maternity Leave.
<i>SshPP</i>	Statutory Shared Parental Pay.
<i>SML</i>	Statutory Maternity Leave.
<i>SMP</i>	Statutory Maternity Pay.
<i>SMP1</i>	Claim form for Maternity Allowance for those employees not entitled to SMP.
<i>SPL</i>	Shared Parental Leave.
<i>SH</i>	<i>Statutory Holidays</i>

## 1. INTRODUCTION

- 1.1 The Occupational Maternity Scheme shall apply to all pregnant employees with the exception of teachers who have their own scheme.
- 1.2 The scheme reflects rules concerning statutory and occupational maternity leave as a consequence of the Maternity and Parental Leave etc Regulations (NI) 1999 (as amended) and new provisions for mothers and partners to share leave entitlements on a more equitable basis as a consequence of the Additional Paternity Leave Regulations (NI) 2010, the Additional Statutory Paternity Pay (General) Regulations (NI) 2010 and the Shared Parental Leave Regulations (NI) 2015.
- 1.3 Further information on maternity rights is available from the NI Direct website: [www.nidirect.gov.uk/employment](http://www.nidirect.gov.uk/employment).

## 2. ENTITLEMENT

- 2.1 The Maternity Leave Scheme shall apply to all pregnant employees irrespective of pay or weekly working hours.

## 3. NOTIFICATION OF PREGNANCY

- 3.1 Employees are required to inform the Education Authority in writing of their pregnancy by the 15th week before the baby is due. An application form for maternity leave (ML2) is attached for this purpose. Within 28 days of receiving this notice, Human Resources will confirm in writing the date of return to work following maternity leave.
- 3.2 A Certificate of Expected Childbirth (MATB1) must be forwarded to Human Resources as soon as possible. A MATB1 is available from a doctor or midwife and must be issued and signed by a doctor or midwife not **more than 20 weeks** before the week the baby is expected. Applications will not be processed without this certificate.
- 3.3 An employee cannot choose to commence maternity leave before the beginning of the 11<sup>th</sup> week prior to the expected date of childbirth. If an employee's maternity leave has not already started, it will be triggered by the birth of a child or a pregnancy related illness from the beginning of the 4<sup>th</sup> week before the expected week of childbirth.
- 3.4 In both these circumstances, the employee must provide medical evidence to Human Resources that she has given birth or that she is absent because of a pregnancy related illness.
- 3.5 Maternity leave can commence on any day of the week in which the employee gives in her notice, with the exception of an early birth and a pregnancy related illness when maternity leave will commence on the following day after the first day of sickness or childbirth.
- 3.6 Where an employee is aware of a risk in relation to her pregnancy in carrying out the duties of her post, the employee must bring the matter to the attention of her line manager/Principal as soon as possible.

## 4. ANTE-NATAL CARE

- 4.1 Every pregnant employee has the right to paid time off to attend for ante-natal care and must produce, if requested, evidence of appointments.

**5. MISCARRIAGE, TERMINATION, STILL-BIRTH AND DEATH OF A BABY**

- 5.1** In the unfortunate event of a death of a baby or a stillbirth after 24 weeks of pregnancy, the Occupational Maternity Scheme will apply. Statutory Maternity Payments will apply after the 25<sup>th</sup> week of pregnancy.
- 5.2** Where there is a miscarriage or termination before 24 weeks, the Education Authority will give sympathetic consideration to the circumstances and, where necessary, grant special leave or sick leave as appropriate on the basis of the individual circumstances.

**6. MATERNITY LEAVE ENTITLEMENT**

- 6.1** Provided that an employee has complied with the notification procedures, she will be entitled to 52 weeks maternity leave, of which 39 weeks may be paid as either Occupational Maternity Pay [OMP] and/or Statutory Maternity Pay [SMP] and/or Maternity Allowance (MA). The remaining 13 weeks Additional Maternity Leave [AML] will be unpaid.
- 6.2** Employees other than the spouse/partner of the child's mother (eg father, sister, mother of the child's mother) may apply for maternity/adoption support leave (one week's leave at normal pay) if they are nominated by the child's mother as the main carer at the time of the child's birth, in circumstances where no other employee is exercising an entitlement to paternity leave.

**7. TRANSFER OF MATERNITY LEAVE ENTITLEMENT**

- 7.1** An employee on maternity leave who is entitled to Statutory Maternity Leave [SML] and/or SMP or Maternity Allowance [MA] may be eligible to volunteer to end their maternity leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave.
- 7.2** Shared Parental Leave can only be used by two people:
- the mother/adopter; and either
  - the father of the child (in the case of birth); or
  - the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement of the child.

- 7.3** For further information on Shared Parental Leave [SPL] and Statutory Shared Parental Pay [SShPP], please refer to the 'Shared Parental Leave Scheme'.

**8. PAYMENT DURING MATERNITY LEAVE**

- 8.1** An employee may qualify for OMP and/or SMP. To assess eligibility for OMP and SMP the following criteria must be met.

**8.1.1 Occupational Maternity Pay (OMP)**

If an employee has one year's continuous service at the 11<sup>th</sup> week before the expected date of childbirth, she will be entitled to OMP. Payment will be as follows:

- for the first 6 weeks of absence, an employee will be entitled to 9/10<sup>ths</sup> of average weekly earnings which would include any payment made by way of SMP if applicable;

- if an employee intends to return to work for a period of at least three months, she will be entitled to the next 12 weeks at half pay. If an employee is entitled to either SMP or MA, these payments will be made in addition to half salary. If half pay plus SMP or MA exceeds full pay the excess will be deducted.

***If an employee does not return to work for the three month period, the Education Authority will be entitled to recover 12 weeks' pay at half pay. EA will be entitled to recover such monies by way of deduction from any monies/salary due to be paid to the employee and/ or by other means.***

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

An employee will be entitled to 39 weeks SMP if:

- average weekly earnings\* are above the lower earnings limit for National Insurance contributions;
- they have been employed continuously for 26 weeks into the qualifying week i.e. 15 weeks before the expected week of childbirth;
- are still pregnant in the 11<sup>th</sup> week before the expected week of childbirth (EWC) or have given birth by that date;
- submits a certificate MATB1 at least 28 days before the absence is due to begin;
- leaves work (including resignation) after the 15<sup>th</sup> week before the EWC providing that the above criteria have been satisfied.

*\* This figure is set by the Department of Health and is subject to alteration, usually on an annual basis. Average weekly earnings are calculated over the 8 weeks prior to the commencement of the 15<sup>th</sup> week before the EWC.*

***If an employee satisfies the above employment and earnings criteria and terminates her employment after the beginning of the 15<sup>th</sup> week before the EWC, she will remain entitled to payments of SMP. Sick Pay will not be paid during the MPP, i.e. the first 39 weeks.***

### **8.1.3 Statutory Maternity Pay is payable at:**

- 90% of the employee's average weekly earnings for the first 6 weeks;
- followed by 33 weeks SMP or 90% of the employee's average weekly earnings if this is less.

## **9. MATERNITY ALLOWANCE (MA)**

- 9.1** If an employee does not qualify for SMP, she may be entitled to MA which is payable by the Department of Health.
- 9.2** In order to apply for MA, an employee will require an Exclusion Form (SMP1). This form can only be issued by the Education Authority on receipt of the application form for ML (ML2) and Notification of Pregnancy form MATB1.

## 10. SUMMARY OF PAYMENT

**10.1** For employees **who intend to return to work**, who have at least one year's continuous service at the 11<sup>th</sup> week before the expected week of childbirth, regardless of the number of hours worked, and satisfies the SMP criteria, payment will be as follows:

- 6 weeks at 9/10<sup>ths</sup> of average weekly earnings, inclusive of SMP;
- 12 weeks at half pay plus SMP; if half pay and SMP exceeds full pay the excess will be deducted;
- 21 weeks SMP;
- 13 weeks unpaid AML.

**10.2** For employees **who do not intend to return to work**, who have at least one year's continuous service at the 11<sup>th</sup> week before the EWC, regardless of the number of hours worked, and satisfies SMP criteria, payment will be as follows:

- 6 weeks at 9/10<sup>ths</sup> of average weekly earnings, inclusive of SMP;
- 33 weeks SMP.

## 11. TERM TIME / OPTION 1 EMPLOYEES

**11.1** If you are employed on a Term Time basis and qualify for both OMP and SMP, during school closure in July and August only SMP will be received.

## 12. KEEPING IN TOUCH DAYS

**12.1** Up to 10 'Keeping in Touch' (KIT) days may be worked without bringing an end to maternity leave. These days may be taken in single or multiple days up to a maximum total of 10 KIT days. Working for part of a day will count as one full day out of the entitlement of 10 days. Pay will be pro-rata for the hours worked. Training or attending team meetings may also be included in the entitlement to work up to 10 days. SMP will be offset against wages earned on a KIT day as total payments made may not exceed normal pay. If the KIT day falls outside the SMP period, pay will be at the employee's daily rate.

**12.2** These KIT days must be agreed between the employee on maternity leave and her line manager/Principal. Line managers/Principals may not compel the employee to attend work and similarly the employee may not insist on working KIT days. Employees on maternity leave who refuse to attend work in respect of a KIT day are protected from any detriment.

**12.3** KIT days may not be taken in the two weeks following the birth of the baby i.e. compulsory maternity leave period.

## 13. RETURN TO WORK

**13.1** It will be assumed that an employee will be returning to work on expiry of the approved period of ML or following any period of annual leave as agreed by the line manager/ Principal.

**13.2** If, for health reasons, the employee is unable to return on the proposed date, she must contact the line manager/Principal and submit the relevant medical documentation as soon as possible confirming that she is unfit to return to work.

**13.3** If an employee proposes to return to work from ML earlier than the specified date, the Education Authority requires notice of 8 weeks, if this should be impractical no later than 28

days written notice must be given. An employee cannot return to work in the compulsory leave period i.e. 2 weeks after the birth.

**13.4** An employee must inform the Education Authority if she intends to resign from her job.

#### **14. ENTITLEMENT TO STATUTORY HOLIDAYS (SH) WHILE ON MATERNITY LEAVE**

**14.1** An employee shall be entitled to an additional annual leave allocation or payment in respect of any SH days that fall during the period of maternity leave (both paid and unpaid if applicable). This will be processed as follows:-

- **Employee with an Annual Leave Sheet**

At the end of the ML period, an employee will receive notification from Human Resources of the number of accrued SH days which fell during the maternity period. Entitlement to these additional days will be added to an employee's annual leave entitlement.

- **Employee who receives payment for Annual Leave (Retainer Fee Staff)**

At the end of the ML period, Human Resources will notify Payroll to process a payment in respect of any SH days which fell during an employee's maternity period.

- If employee works less than 5 days per week, a pro rata calculation will be made.

- In the event an employee does not resume employment at the end of the maternity leave period, a lump sum payment will be processed in respect of any SH days which fell during the maternity period.

#### **15. PENSION SCHEME MEMBERS (NILGOSC)**

##### **15.1 Paid Maternity Leave (ML)**

During a period of paid ML, the member will build up 1/49<sup>th</sup> assumed pensionable pay if they are in the 'Main Scheme' or 1/98<sup>th</sup> Assumed Pensionable Pay if they are in the '50/50 Scheme'. The member pays contributions on the actual pay received while the employer pays contributions on the Assumed Pensionable Pay.

##### **15.2 Unpaid Maternity Leave (ML)**

If an employee is not entitled to SMP or OMP then during the period of unpaid ML the employer pays contributions on the Assumed Pensionable Pay.

##### **15.3 Unpaid Additional Maternity Leave (ML)**

At the end of the unpaid ML period employees will be given an opportunity to 'buy' back the 'lost' pension through an Additional Pension Contribution (APC) contract, either over a period of time or as a one-off lump sum. APCs can only be purchased for those active members. It is an employee's responsibility to pay an APC in full before leaving employment.

**15.4** Further details can be found on the Education Authority's website [www.eani.org.uk](http://www.eani.org.uk) or on the Northern Ireland Local Government Officers Superannuation Committee website [www.nilgosc.org.uk](http://www.nilgosc.org.uk) or alternatively, you may contact the People Services Section, Human Resources Directorate [contact details on page 1] or NILGOSC, 411 Hollywood Road, Belfast, BT4 2LP, Tel 0845 387 346 / [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk).

**16. CONTACT**

**16.1** During the ML period, the Education Authority may make reasonable contact with the employee in order to discuss, for example, arrangements for the return to work such as dates or working hours, or to keep the employee informed of developments at the workplace. In the same way, an employee may make contact with her employer. This contact can be made in any way that best suits both parties such as by telephone or in writing. It is recommended that before ML commences, arrangements for staying in touch are discussed and agreed.

**17. AUTHORISED LEAVE**

**17.1** Any period of authorised leave (paid or unpaid) shall be regarded as service for the purposes of calculating annual leave entitlement. If an employee intends to take annual leave before or after her ML, she will require the authorisation of her line manager/Principal.

**18. PAYMENT OF ESSENTIAL CAR USER ALLOWANCE**

**18.1** The Education Authority considers that, for all employees, the essential car user allowance should be treated as a 'reimbursement' to offset costs associated with the employee being designated as an 'essential car user' for the purposes of conducting the Education Authority's business. This payment is intended to be a reimbursement of expenses and is not simply cash that is a 'transferrable benefit' (i.e. insurance, road tax etc). In these circumstances the allowance is considered to be a benefit and employees on ML will be entitled to essential car user allowance throughout the entire ML period (i.e. OML and AML).

*This form **must** be completed, signed by the person requesting Maternity Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than the end of the 15<sup>th</sup> week before expected week of childbirth.*

*Failure to comply with the conditions of the Maternity Leave Scheme without good reason may lead to a loss of benefits and a loss of right to return to work. The information given on this form will also be used to assess your entitlement to Statutory Maternity Pay.*

**Quick Guide to Timeframes**

**Maternity Pay**

Occupational Maternity Pay <b>or</b> Statutory Maternity Pay <b>or</b> Maternity Allowance <i>(as appropriate depending on eligibility)</i>  Up to 18 weeks	Statutory Maternity Pay <b>or</b> Maternity Allowance <i>(as appropriate depending on eligibility)</i>  Up to 21 weeks	Any Additional Maternity leave taken beyond 39 weeks is unpaid
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**Maternity Leave**

Ordinary Maternity Leave (OML)  Up to 39 weeks	Additional Maternity Leave (AML)  Up to 13 weeks
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**PART A – To be completed by employee (please use block capitals)**

Name: _____	Address: _____
Employee No.: _____	Postcode: _____
Post(s) held: _____	Location: _____
Email Address: _____	
<u>(If provided, EA will use to issue correspondence)</u>	

**Part A continued**

Certificate of expected childbirth (MATB1) attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date Maternity Leave to commence:	_____	
Number of weeks ordinary maternity leave requested: (up to 39 weeks):	_____	
Is it your intention to apply for Additional Maternity Leave (AML)? (up to 13 weeks - please see notes for guidance)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Number of weeks additional maternity leave required:	_____	
Is it your intention to transfer a portion of your maternity leave to the father or spouse/partner?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<p>I wish to claim for maternity leave/pay in accordance with the Education Authority's Maternity Leave Scheme and the Government's Statutory Maternity Pay Scheme. I have read the Maternity Leave Scheme and agree to comply with the conditions therein. I authorise the Education Authority to seek recovery of any occupational maternity pay paid to me under the Education Authority's Maternity Leave Scheme if I do not return to work after my period of maternity leave for a period of 3 months. I agree that these monies can be deducted from any salary/monies due to me from the Education Authority.</p>		
<b>Employee Signature:</b>		<b>Date:</b>
<b>Line Manager/Principal Signature</b>		<b>Date:</b>
<p><b><u>RECRUITMENT OPPORTUNITIES WHILE ON MATERNITY LEAVE</u></b></p> <p>It is recommended that any member of staff who would like to be kept up to date with internal and external job opportunities, creates a candidate profile on the <b>internal career section</b> and signs up to receive email alert notifications. In doing so, staff will receive an automated email notification once a new job opportunity is posted which matches their preference(s) selected when creating their profile e.g. job field or location. This can be done using a personal email address.</p> <p>Staff should note that in the event that they are making application to a post which has been advertised on the internal career section, they must only use the link to the internal career section in order to submit or make amendments to a draft application prior to the closing date.</p> <p><b>Links to career sections:</b></p> <p>External career section - <a href="https://www.eani.org.uk/job-opportunities">https://www.eani.org.uk/job-opportunities</a></p> <p>Internal career section – <a href="http s://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en">http s://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en</a></p> <p><b>Further support:</b></p>		

If you require any further support please contact the Resourcing Service.

Corporate Recruitment : [corporaterecruitment@eani.org.uk](mailto:corporaterecruitment@eani.org.uk)

School Recruitment: [schoolsrecruitment@eani.org.uk](mailto:schoolsrecruitment@eani.org.uk)

Online Recruitment system administration issues : [onlinerecruitmentsystemadmin@eani.org.uk](mailto:onlinerecruitmentsystemadmin@eani.org.uk)

**PART B – to be completed by Human Resources**

The employee intends to resign from working for the Education Authority\* Yes  No

**Employee Entitlement**

Under the terms and conditions of their employment, this employee is entitled to:

*Please tick only 1*

**Either**

**A Occupational Maternity Pay** at the rate of 90% salary for the first 6 weeks; followed by:

- Occupational Maternity Pay at the rate of 50% salary for 12 weeks, plus statutory maternity pay (the sum of both payments must not exceed full pay); followed by:
- Statutory Maternity Pay for 21 weeks.
- If availed of, unpaid Additional Maternity Leave of 13 weeks will follow on from this

**OR**

**B Statutory Maternity Pay** at the rate of 90% salary for the first 6 weeks; followed by:

- Statutory Maternity Pay for 33 weeks (*or 90% of the employee's average weekly earnings, if this is less*).
- If availed of, unpaid Additional Maternity Leave of 13 weeks will follow on from this.

**OR**

**C Occupational Maternity Pay only** where the employee is NOT entitled to Statutory Maternity Pay

**OR**

**D Maternity Leave** with no entitlement to OMP or SMP for a period of up to 52 weeks.

- The employee may be entitled to Maternity Allowance for 39 weeks.
- If availed of, unpaid Additional Maternity Leave of 13 weeks will follow on from this.

*\*Please note, where the employee has resigned from work, the Education Authority may continue to act as the 'paying agent' to enable the employee to receive SMP; however, no employment-related contributions should be deducted from any payments made to the employee beyond the termination date.*

**Optional Elements**

*Please tick all that apply*

<b>Unpaid Additional Maternity leave</b>	The employee intends to take <b>unpaid</b> Additional Maternity Leave (AML).	Yes <input type="checkbox"/> No <input type="checkbox"/>
<b>Transfer of Maternity Leave</b>	The employee intends to transfer a portion of her maternity leave to the father or her spouse/partner.  If Yes:	Yes <input type="checkbox"/> No <input type="checkbox"/>
	<ul style="list-style-type: none"> <li>• Is the person to whom maternity leave is to be transferred also an employee of the Education Authority</li> </ul>	Yes <input type="checkbox"/> No <input type="checkbox"/>

MATB1 CERTIFICATE			ELIGIBILITY CHECKED / CONFIRMED	
Received	Requested	Payroll	Recorded in Diary	Initials

<b>Payroll notified:</b>	<b>Date:</b>
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<b>Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**EDUCATION AUTHORITY**

**PATERNITY LEAVE SCHEME**

**NOTES OF GUIDANCE**

These notes are not intended as a full and definitive statement of paternity rights or provisions.

Advice is available from the People Services Section, Human Resources Directorate, Education Authority at the following locations:

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40 Academy Street BELFAST BT1 2NQ	Ballee Centre Ballee Road West Ballymena BT42 2HS	Grahamsbridge Road DUNDONALD BT16 2HS
3 Charlemont Place The Mall, ARMAGH BT61 9AX	1 Hospital Road OMAGH BT79 0AW	

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Telephone : 028 9041 8006 and select the relevant region

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**ENTITLEMENT OVERVIEW**

<b>QUALIFYING SERVICE</b>	<b>ENTITLEMENT</b>
Less than 26 weeks' continuous service by the end of the 15 <sup>th</sup> week before the expected week of childbirth (EWC) / by the end of the week they have been informed by the adoption agency that they have been matched with a child.	<ul style="list-style-type: none"><li>• 1 weeks' leave at full pay (Maternity Support Leave).</li></ul>
26 weeks' continuous service by the end of the 15 <sup>th</sup> week before the expected week of childbirth (EWC) / week they have been informed by the adoption agency that they have been matched with a child.	<ul style="list-style-type: none"><li>• 1 weeks' leave at full pay (Maternity Support Leave); plus</li><li>• 1 week paid at the rate of Statutory Paternity Pay (if eligible).</li></ul>

**ABBREVIATIONS AND TERMS**

<i>APC</i>	Additional Pension Contributions.
<i>EWC</i>	Expected Week of Childbirth. This is the week in which your baby is expected to be born.
<i>OPL</i>	Ordinary Paternity Leave.
<i>PL</i>	Paternity Leave.
<i>PL1</i>	Application Form for Ordinary Paternity Leave.
<i>SPL</i>	Shared Parental Leave.
<i>SPP</i>	Statutory Paternity Pay.

## **1. INTRODUCTION**

- 1.1** The Paternity Leave Scheme shall apply to all employees with the exception of teachers who have their own scheme.
- 1.2** This scheme reflects the rules concerning the statutory and occupational paternity leave as a consequence of the Paternity and Adoption Leave Regulations (NI) 2002 (as amended), the Statutory Paternity Pay and Statutory Adoption Pay (General Regulations (NI) 2002, the Paternity, Adoption and Shared Parental Leave (Parental Order Cases) Regulations (NI) 2015 and the Statutory Paternity Pay, Statutory Adoption Pay and Statutory Shared Parental Pay (Amendment) Regulations (NI) 2016.
- 1.3** Further information on rights relating to paternity leave is available from the NI Direct website: [www.nidirect.gov.uk/employment](http://www.nidirect.gov.uk/employment).

## **2. ELIGIBILITY**

- 2.1** In order to be granted paternity leave you must be the:
- biological father of the child and/or be married to or the partner of the child's mother (including same-sex partner or civil partner); or
  - be the adopter (in the case of joint adoption) or adopter's spouse or partner (including same-sex partner or civil partner); or
  - prospective adopter's husband or partner (including same-sex partner or civil partner (in the case of fostering to adopt); or
  - Parental Order Parent's or intended Parental Order Parent's husband or partner (including same sex partner or civil partner); and
  - expect to have responsibility for the upbringing of the child. You must be taking time off to support the child's mother or care for the child.
- 2.2** Paternity leave cannot be taken in relation to a child where Shared Parental Leave has already been taken in relation to that child.

## **3. ENTITLEMENT**

### **3.1 Occupational Paternity Pay**

- 3.1.1** Employees who meet the above requirements, irrespective of service, are entitled to one week's leave paid at full pay (maternity support leave).
- 3.1.2** Employees other than the partner of the child's mother (e.g. father, sister, mother) may apply for maternity support leave (one week at normal pay), if the mother nominates them as carer in these circumstances.

### **3.2 Statutory Paternity Pay**

- 3.2.1** Employees are entitled to two weeks' paternity leave, one week paid at full pay (maternity support leave) and, if eligible, one week paid at the rate of Statutory Paternity Pay (or 90% of an employee's average weekly earnings if this is less), subject to the following requirements:

- 26 weeks' continuous service by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC);
- in the case of a UK adoption, 26 weeks' continuous service by the end of the week they are notified that they are matched with a child;
- in the case of an overseas adoption, 26 weeks' continuous service by either the date the child arrives in the UK or when they want their pay to start;
- continue to be employed by EA up to the date the child is born or placed for adoption;
- have average weekly earnings\* not less than the lower earnings limit for payment of National Insurance contributions.

*\* This figure is set by the Department of Health and is subject to alteration, usually on an annual basis. Average weekly earnings are calculated over the 8 weeks prior to the commencement of the 15<sup>th</sup> week before the EWC.*

**3.2.2** Only one period of leave is provided per pregnancy. Therefore, if the employee's partner gives birth to twins, the entitlement is up to 2 weeks leave (subject to eligibility).

#### **4. APPLICATION OF PATERNITY LEAVE SCHEME**

**4.1** Paternity leave **must** be taken in a single block within the first 8 weeks after the child is born. The earliest date at which paternity leave can commence is the date of childbirth/ placement.

**4.2** The employee may choose to take a single block of **either** one week's leave (maternity support leave) **or** 2 weeks' leave (one week maternity support leave plus one week statutory paternity leave), subject to entitlement.

**4.3** Employees should note a week is based on your usual working pattern. Therefore if you work Mondays and Tuesdays only, a week would be two days or if you work Monday to Friday, a week would be five days.

#### **5. NOTIFICATION**

**5.1** Employees are required to inform the Education Authority, in writing, of their request for paternity leave by the end of the 15<sup>th</sup> week before the expected week of childbirth (EWC).

**5.2** In cases of UK adoptions, employees must inform the Education Authority within 7 days of being notified by their adoption agency that they have been matched with a child.

**5.3** They must inform the Education Authority of the:

- date the child is expected to be born/placed;
- the date from which paternity leave is requested; and
- the duration of paternity leave.

Employees applying for paternity/maternity support leave must provide the Education Authority with documentary evidence such as a MATB1 form or a 'matching certificate' from the adoption agency.

**5.4** The employee may change his or her mind regarding the date paternity leave is due to start provided at least 28 days' notice is given.

**5.5** Please submit the completed application form (PL1 attached) to your line manager/Principal for authorisation, and then to Human Resources.

**6. UNPAID TIME OFF TO ACCOMPANY TO ANTE-NATAL APPOINTMENTS:**

**6.1** An employee who has a qualifying relationship with a pregnant woman or her expected child is entitled to be permitted to take unpaid time off during working hours in order that he or she may accompany the woman when she attends by appointment at any place for the purposes of receiving ante-natal care subject to the following:

- the appointment must be made on the advice of a registered medical practitioner, registered midwife or registered health visitor;
- the right to take time off for this purpose is limited to no more than 2 occasions; and
- on each occasion, the maximum time off during working hours is 6 and a half hours.

**6.2** To avail of this entitlement, the employee must provide a declaration stating the following:

- that he or she has a qualifying relationship with a pregnant woman or her expected child;
- that his or her purpose in taking time off is for the purpose of accompanying the woman to ante-natal appointments;
- that the appointment in question is made on the advice of a registered medical practitioner, registered midwife or registered health visitor; and
- the date and time of the appointment.

**7. UNPAID TIME OFF TO ATTEND ADOPTION APPOINTMENTS**

**7.1** An employee who has been notified by an adoption agency that a child is to be, or is expected to be, placed for adoption with the employee and another person jointly, and has elected to exercise the right to take unpaid time off in connection with the adoption, will be entitled to be permitted to take time off during working hours in order that he or she may attend by appointment at any place for the purpose of having contact with the child or for any other purpose connected with the adoption subject to the following:

- the appointment must have been arranged by, or at the request of, the adoption agency which made the notification;
- the employee is not entitled to exercise this right on or after the date of the child's placement for adoption with the employee;
- the right to take time off for this purpose is limited to no more than 2 occasions; and
- on each occasion, the maximum time off during working hours is 6 and a half hours.

**7.2** The employee, if requested, must provide the following:

- a signed declaration that he or she has elected to take unpaid time off to attend an adoption appointment in connection with the adoption; and

- a document showing the date and time of the appointment and that it has been arranged as above.

## **8. SHARED PARENTAL LEAVE [SPL] ELIGIBILITY AND ENTITLEMENT**

**8.1** Eligible employees may be entitled to take up to 50 weeks' Shared Parental Leave (SPL) during the child's first year in the family.

**8.2** Shared Parental Leave can only be used by two people:

- the mother/adopter; and either
- the father of the child (in the case of birth); or
- the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement of the child.

**8.3** For further information on Shared Parental Leave (SPL) and Statutory Shared Parental Pay (SShPP) please refer to the 'Shared Parental Leave Scheme'.

## **9. EARLY OR LATE CHILDBIRTH**

**9.1** If childbirth occurs before the date notified, the employee should inform their line manager/Principal as soon as reasonably practicable so that their paternity leave period and paternity pay (if applicable) can commence.

**9.2** If childbirth occurs after the date notified, the employee must change the start date of their leave or choose to take leave from the actual date of birth or a specified number of days after the birth. An employee cannot take paternity leave or be paid SPP before the birth of the child therefore if the child is not born by the date the employee has specified to their line manager/Principal, they must inform their line manager/Principal as soon as possible.

## **10. STILL-BIRTH AND DEATH OF A BABY**

**10.1** In the unfortunate event of a stillbirth after 24 weeks of pregnancy, an employee will still be entitled to take paternity leave.

## **11. PENSION SCHEME MEMBERS (NILGOSC)**

**11.1** During a period of paid PL, the member will build up 1/49<sup>th</sup> Assumed Pensionable Pay if they are in the 'Main Scheme' or 1/98<sup>th</sup> assumed pensionable pay if they are in the '50/50 Scheme'. The member pays contributions on the actual pay received while the employer pays contributions on the Assumed Pensionable Pay

### **11.2 Unpaid Paternity Related Appointments**

Employees will be given an opportunity to 'buy' back the 'lost' pension through an Additional Pension Contribution (APC) contract either over a period of time or as a one-off lump sum. APCs can only be purchased for those active members. It is an employee's responsibility to pay an APC in full before leaving employment.

**11.3** Further details can be found on the Education Authority's website [www.eani.org.uk](http://www.eani.org.uk); or on the Northern Ireland Local Government Officers Superannuation Committee website

[www.nilgosc.org.uk](http://www.nilgosc.org.uk) or alternatively, you may contact the Human Resources Directorate [contact details on page 1] or NILGOSC, 411 Holywood Road, Belfast, BT4 2LP, Tel 0845 387 346 / [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk).

**12. AUTHORISED LEAVE**

**12.1** Any period of authorised leave (paid or unpaid) shall be regarded as service for the purposes of calculating annual leave entitlement. If an employee intends to take annual leave before or after their PL, they will require the authorisation of their line manager/Principal.

*This form **must** be completed, signed by the person requesting Paternity Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than the end of the 15<sup>th</sup> week before expected week of childbirth. In cases of adoption, within 7 days of being notified that they have been matched with a child.*

**Please note: In order to be granted Paternity Leave, you must either be the:**

- biological father of the child and/or be married to or the partner of the child’s mother (including same-sex partner or civil partner); or
- be the adopter (in the case of joint adoption) or adopter’s spouse or partner (including same-sex partner or civil partner); or
- prospective adopter’s husband or partner (including same-sex partner or civil partner (in the case of fostering to adopt)); or
- Parental Order Parent’s or intended Parental Order Parent’s husband or partner (including same sex partner or civil partner); and
- expect to have responsibility for the upbringing of the child. You must be taking time off to support the child’s mother or care for the child.

<b>PART A – To be completed by employee (please use block capitals)</b>	
Name: _____	Address: _____ _____
Employee No.: _____	Postcode: _____
Post(s) held: _____ _____	Location: _____ _____
Email Address: _____	
<u>(If provided, EA will use to issue correspondence)</u>	

Please state your relationship with the mother/adopter:	
Expected date of birth of the child/children/placement for adoption:	
Certificate of expected childbirth (MATB1)/matching certificate attached:	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date paternity leave to commence (1 week): (No earlier than the date of childbirth/placement for adoption)	_____
Date maternity support leave to commence (1 week): (No earlier than the date of childbirth/placement for adoption)	_____
Date of return to work : (No later than 8 weeks after the child is born)	_____
<p>I hereby certify that:</p> <ul style="list-style-type: none"> <li>• I am the child/children’s biological father or joint adopter or the mother’s/adopter’s spouse or partner (including same-sex partner or civil partner);</li> <li>• I will be responsible for the child/children’s upbringing; and</li> <li>• I am taking time off to support the child/children’s mother/adopter or to care for the child/children.</li> </ul>	
<b>Employee Signature:</b>	<b>Date:</b>
<b>Line Manager/ Principal Signature:</b>	<b>Date:</b>

**PART B – to be completed by Human Resources**

**Employee Entitlement**

Under the terms and conditions of their employment, this employee is entitled to:

1 week’s leave at full pay (Maternity Support Leave):	Yes <input type="checkbox"/>
1 week’s leave paid at the rate of Statutory Paternity Pay (or 90% of an employee’s average weekly earnings if this is less)	Yes <input type="checkbox"/> No <input type="checkbox"/>

MATB1 / MATCHING CERTIFICATE			ELIGIBILITY CHECKED / CONFIRMED	
Received	Requested	Payroll	Recorded in Diary	Initials

<b>Payroll notified:</b>	<b>Date:</b>
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<b>Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**EDUCATION AUTHORITY**

**ADOPTION LEAVE SCHEME**

**NOTES FOR GUIDANCE**

These notes are not intended as a full and definitive statement of adoption rights or provisions.

Advice is available from the People Services Section, Human Resources Directorate, Education Authority at the following locations:

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40 Academy Street BELFAST BT1 2NQ	Ballee Centre Ballee Road West Ballymena BT42 2HS	Grahamsbridge Road DUNDONALD BT16 2HS
3 Charlemont Place The Mall, ARMAGH BT61 9AX	1 Hospital Road OMAGH BT79 0AW	

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Telephone : 028 9041 8006 and select the relevant region

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**ENTITLEMENT OVERVIEW**

<b>QUALIFYING SERVICE</b>	<b>ENTITLEMENT</b>
Less than 1 year's continuous service at the week they have been informed by the adoption agency that they have been matched with a child	<ul style="list-style-type: none"><li>• 26 weeks' Ordinary Adoption Leave; plus</li><li>• 26 weeks' Additional Adoption Leave.</li><li>• If eligible, 39 weeks' Statutory Adoption Pay</li></ul>
1 year's continuous service at the week they have been informed by the adoption agency that they have been matched with a child	<ul style="list-style-type: none"><li>• 26 weeks' Ordinary Adoption Leave; plus</li><li>• 26 weeks' Additional Adoption Leave.</li><li>• 18 weeks' Occupational Adoption Pay.</li><li>• If eligible, 39 weeks' Statutory Adoption Pay.</li></ul>

## **ABBREVIATIONS AND TERMS**

<i>AAL</i>	Additional Adoption Leave.
<i>AL</i>	Adoption Leave.
<i>AL1</i>	Application form for Adoption Leave.
<i>KIT</i>	Keeping in Touch Days.
<i>LEL</i>	Lower Earnings Limit – for National Insurance contributions. Used as the level of earnings for entitlements to SAP.
<i>OAL</i>	Ordinary Adoption Leave.
<i>OAP</i>	Occupational Adoption Pay.
<i>OAS</i>	Occupational Adoption Scheme.
<i>PL</i>	Paternity Leave.
<i>SAP</i>	Statutory Adoption Pay.
<i>SAP1</i>	Why I cannot pay you SAP Form.
<i>SShPP</i>	Statutory Shared Parental Pay.
<i>SMP</i>	Statutory Maternity Pay.
<i>SPL</i>	Shared Parental Leave.

## 1. INTRODUCTION

- 1.1** The Occupational Adoption Scheme (OAS) shall apply to all employees with the exception of teachers who have their own scheme.
- 1.2** The scheme reflects the rules concerning statutory and occupational adoption leave as a consequence of the Paternity and Adoption Leave Regulations (NI) 2002 (as amended) and provisions for adoptive parents to share leave entitlements on a more equitable basis as a consequence of the Additional Paternity Leave Regulations (NI) 2010, the Additional Statutory Paternity Pay (General) Regulations (NI) 2010, the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (NI) 2010, the Additional Statutory Paternity Pay (Adoptions from Overseas) Regulations (NI) 2010, the Paternity and Adoption Leave (Amendment) Regulations (NI) 2015, the Shared Parental Leave (NI) Regulations 2015 and the Shared Parental Leave and Paternity and Adoption Leave (Adoptions from Overseas) Regulations (NI) 2015.
- 1.3** Further information on rights for adoptive parents is available from the NI Direct website: [www.nidirect.gov.uk/employment](http://www.nidirect.gov.uk/employment).

## 2. ELIGIBILITY

- 2.1** The Adoption Leave (AL) Scheme shall apply to all employees who adopt a child from within the UK or overseas (subject to eligibility), irrespective of pay or weekly working hours.
- 2.2** Ordinary Adoption Leave (OAL) and pay will entitle eligible employees to take paid leave when a child is newly placed for adoption by an adoption agency. AL and pay will be available to employees who are:
- adopting a child from the UK, where an approved adoption agency notifies the adopter of a match with a child; **or**
  - adopting a child from overseas, where they have received Official Notification that the relevant UK authority has issued a Certificate of Eligibility to the overseas authority; **or**
  - an approved foster parent who is also an approved prospective adopter where the Trust is considering adoption for the child and is considering if that person is a suitable adoptive parent for that child (Ref the Paternity and Adoption Leave (Amendment) Regulations (NI) 2015); **or**
  - the intended parents in a surrogacy arrangement where they are eligible for and intend to apply for a Parental Order which will make them the legal parents of that child that they are having with the help of a surrogate mother; **or**
  - one member of a couple where a couple adopt jointly (the couple may choose which partner takes adoption leave).
- 2.3** An employee adopting a relative from overseas may also qualify for OAL and pay if they have been assessed and approved as being a suitable adoptive parent.
- 2.4** The partner of an individual who adopts (including same-sex partner or civil partner), or the other member of a couple who are adopting jointly, may be entitled to Paternity Leave [PL] and pay (ref Paternity Leave Scheme), and Shared Parental Leave (SPL) and Statutory Shared Parental Pay [SShPP] (ref Shared Parental Leave Scheme).

**2.5** Adoption leave and pay is not available in circumstances where a child is not newly matched or placed for adoption, for example when a step-parent is adopting a partner's children.

### **3. NOTIFICATION OF INTENTION TO ADOPT**

**3.1** Employees are required to inform the Education Authority of their intention to take adoption leave within 7 days of being notified by their adoption agency that they have been matched with a child for adoption, unless this is not reasonably practicable. An application form for adoption leave (AL1) is attached for this purpose.

**3.2** They must inform the Education Authority of the date:

- the child is expected to be placed with them; and
- from which adoption leave is requested.

**3.3** Employees will be permitted to amend the start date of their leave provided a minimum of at least 28 days' notice is given (unless this is not reasonably practicable). They will have to advise the Education Authority of the date that they expect any payment of OAP to start at least 28 days' in advance.

**3.4** Employees can choose to start their leave from:

- the date of the child's placement (whether this is earlier or later than expected); **or**
- a fixed date which can be up to 14 days before the expected date of placement.

**3.5** Leave can start on any day of the week.

### **4. OVERSEAS ADOPTIONS**

**4.1** Employees who intend adopting a child from overseas may require time off to visit the country involved prior to having the child placed with them. The Education Authority will consider requests for paid leave in these circumstances up to a maximum of 2 weeks which, if used, will be deducted from the Occupational Adoption Pay (OAP) entitlement. That is, if 5 days paid leave is granted for an overseas visit in preparation for placement, the equivalent of 5 days pay will be deducted from the 12 weeks OAP paid at half pay. Alternatively AL may commence 14 days prior to placement or annual leave may be used for visits.

**4.2** Employees applying for AL must provide the Education Authority with documentary evidence i.e. a 'matching certificate' from the adoption agency as evidence of entitlement to adoption leave. Applications will not be processed without this certificate or other evidence such as a letter confirming the date the child is expected to be placed and the name and address of the adoption agency. Within 28 days of receiving this notice, Human Resources will confirm in writing the date of return to work following the AL.

### **5. SURROGACY AND PARENTAL ORDER PARENTS**

**5.1** To qualify for adoption leave, the Parental Order parent needs to notify the Education Authority by the 15<sup>th</sup> week before the baby's due date of their entitlement to AL and/or pay.

**5.2** The notice must include the baby's expected week of birth. As soon as is reasonably practicable after the child's birth, the employee must notify the Education Authority of the baby's date of birth in writing.

**5.3** The Education Authority may request a statutory declaration from the employee confirming that they intend to apply for a Parental Order under section 54 of the Human Fertilisation and Embryology Act 2008 within the prescribed time limit (6 months from birth) and expect the Order to be made.

## **6. ADOPTION LEAVE (AL) ENTITLEMENT**

**6.1** Provided that an employee has complied with the notification procedures, he/she will be entitled to 39 weeks' OAL. This may be paid or unpaid (depending on eligibility) followed immediately by up to 13 weeks' additional unpaid adoption leave.

**6.2** Employees other than the spouse/partner of the child's mother (eg father, sister, mother of the child's mother) may apply for maternity/adoption support leave (one week's leave at normal pay) if they are nominated by the child's mother as the main carer at the time of the child's birth, in circumstances where no other employee is exercising an entitlement to paternity leave.

**6.3** Employees who are the main adopter will be entitled to take paid time off for up to five adoption appointments. (Employees who are the partner of an individual who adopts will be entitled to take unpaid time for two appointments).

## **7. TRANSFER OF ADOPTION LEAVE ENTITLEMENT**

**7.1** An employee on adoption leave who is entitled to Statutory Adoption Leave [SAL] and/or SAP may be eligible to volunteer to end their adoption leave and/or pay early to create leave and pay which they can share with the child's father or their partner as shared parental leave.

**7.2** Shared Parental Leave can only be used by two people:

- the mother/adopter; and either
- the father of the child (in the case of birth); or
- the spouse, civil partner or partner of the child's mother/adopter.

Both parents must share the main responsibility for the care of the child at the time of the birth/placement of the child.

**7.3** For further information on Shared Parental Leave [SPL] and Statutory Shared Parental Pay [SShPP], please refer to the 'Shared Parental Leave Scheme'.

## **8. PAYMENT DURING ADOPTION LEAVE**

**8.1** An employee may qualify for Occupational Adoption Pay (OAP) and/or Statutory Adoption Pay (SAP). To assess eligibility for OAP and SAP the following criteria must be met.

### **8.1.1 Occupational Adoption Pay (OAP)**

If an employee has one year's continuous service at the week they have been informed by an adoption agency that they have been matched with a child, he/she will be entitled to OAP. Payment will be as follows:

- for the first 6 weeks of absence, an employee will be entitled to 9/10<sup>ths</sup> of average weekly earnings which would include any payment made by way of SAP if applicable;

- if an employee intends to return to work for a period of at least three months, employees will be entitled to the next 12 weeks at half pay. If an employee is entitled to SAP, these payments will be made in addition to half salary. If half pay plus SAP exceeds full pay the excess will be deducted.

***If an employee does not return to work for the three month period following adoption leave, the Education Authority will be entitled to recover 12 weeks' pay at half pay. EA will be entitled to recover such monies by way of deduction from any monies/salary due to be paid to the employee and/or by other means.***

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

An employee will be entitled to SAP if:

- (a) average weekly earnings\* are above the lower earnings limit for National Insurance contributions; and
- (b) they have been employed continuously for 26 weeks into the week they are notified by an approved adoption agency that they are matched with a child.

*\* This figure is set by the Department of Health and is subject to alteration, usually on an annual basis. Average weekly earnings are calculated over the 8 weeks prior to the commencement of the 15<sup>th</sup> week before the EWC.*

### **8.1.3 Statutory Adoption Pay (SAP) is payable at:**

- (a) 90% of the employee's average weekly earnings for the first 6 weeks;
- (b) followed by 33 weeks SAP\* or 90% of the employee's average weekly earnings if this is less.

*\* The rate of SAP will be the same as the standard rate of Statutory Maternity Pay (SMP)*

## **9. EMPLOYEE NOT ENTITLED TO STATUTORY ADOPTION PAY**

**9.1** If an employee does not qualify for SAP, he/she may be able to seek financial support from their local Social Security Office. Additional financial support may be available from Housing Benefits, Council Tax Benefit or Tax Credits. Further information is available from the local Job Centre or Social Security Office.

**9.2** If an employee is not entitled to SAP, he/she will be issued with form SAP1 (why I cannot pay you SAP). This form can only be issued by the Education Authority on receipt of the employee's AL application form and matching certificate from the adoption agency.

## **10. SUMMARY OF PAYMENT**

**10.1** For employees **who intend to return to work**, who have at least one year's continuous service at the week they have been informed by an adoption agency that they have been matched with a child for adoption, regardless of the number of hours worked, and satisfies the SAP criteria, payment will be as follows:

- 6 weeks at 9/10<sup>ths</sup> of average weekly earnings, inclusive of SAP;
- 12 weeks at half pay, plus SAP; if half pay and SAP exceeds full pay the excess will be deducted;

- 21 weeks SAP;
- 13 weeks unpaid AAL.

**10.2 For employees who do not intend to return to work**, who have at least one years' continuous service at the week they have been informed by an adoption agency that they have been matched with a child for adoption, regardless of the number of hours worked, and satisfies SAP criteria, payment will be as follows:

- 6 weeks at 9/10<sup>ths</sup> of average weekly earnings, inclusive of SAP;
- 33 weeks SAP.

**10.3 For employees who intend to return to work**, with less than one years' continuous service, at the week they have been informed by an adoption agency that they have been matched with a child for adoption, regardless of the number of hours worked, and satisfy SAP criteria, payment will be as follows:

- 39 weeks SAP;
- 13 weeks unpaid AAL (if eligible).

**10.4 For employees who do not intend to return to work**, with less than one years' continuous service at the week they have been informed by an adoption agency that they have been matched with a child for adoption, regardless of the number of hours worked, and satisfies SAP criteria, payment will be as follows:

- 39 weeks SAP.

## **11. TERM TIME / OPTION 1 EMPLOYEES**

**11.1** If you are employed on a Term Time basis and qualify for both OAP and SAP, during school closure in July and August only SAP will be received.

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

**12.1** Up to 10 'Keeping in Touch' (KIT) days may be worked without bringing an end to adoption leave. These days may be taken in single or multiple days up to a maximum total of 10 KIT days. Working for part of a day will count as one full day out of the entitlement of 10 days. Pay will be pro-rata for the hours worked. Training or attending team meetings may also be included in the entitlement to work up to 10 days. SAP will be offset against wages earned on a KIT day as total payments made may not exceed normal pay. If the KIT day falls outside the SAP, pay will be at the employee's daily rate.

**12.2** These KIT days must be agreed between the employee on adoption leave and his/her line manager/Principal. Line managers/Principals may not compel the employee to attend work and similarly the employee may not insist on working up KIT days. Employees on AL who refuse to attend work in respect of a KIT day are protected from any detriment.

## **13. RETURN TO WORK**

**13.1** It will be assumed that an employee will be returning to work on expiry of the approved period of AL or following any period of annual leave as agreed by the line manager/Principal.

**13.2** If, for health reasons, the employee is unable to return on the proposed date, he/she must contact the line manager/Principal and submit the relevant medical documentation as soon as possible confirming that he/she is unfit to return to work.

**13.3** If an employee proposes to return to work before the end of their AL period, they must give the Education Authority 28 days' notice of the date they intend to return.

**13.4** An employee must inform the Education Authority if he/she intends to resign from their job.

## **14. PENSION SCHEME MEMBERS (NILGOSC)**

### **14.1 Paid Adoption Leave (AL)**

During a period of paid AL, the member will build up 1/49<sup>th</sup> assumed pensionable pay if they are in the 'Main Scheme' or 1/98<sup>th</sup> assumed pensionable pay if they are in the '50/50 Scheme'. The member pays contributions on the actual pay received while the employer pays contributions on the Assumed Pensionable Pay.

### **14.2 Unpaid Additional Adoption Leave**

Employees will be given an opportunity to 'buy' back the 'lost' pension through an Additional Pension Contribution (APC) contract, either over a period of time or as a one-off lump sum. APCs can only be purchased for those active members. It is an employee's responsibility to pay an APC in full before leaving employment.

**14.3** Further details can be found on the Education Authority's website [www.eani.org.uk](http://www.eani.org.uk); or on the Northern Ireland Local Government Officers Superannuation Committee website [www.nilgosc.org.uk](http://www.nilgosc.org.uk) or alternatively, you may contact the Human Resources Directorate [contact details on page 1] or NILGOSC, 411 Holywood Road, Belfast, BT4 2LP, Tel 0845 387 346 / [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk).

## **15. CONTACT**

**15.1** During the adoption leave period, the Education Authority may make reasonable contact with the employee in order to discuss, for example, arrangements for the return to work such as dates or working hours, or to keep the employee informed of developments at the workplace. In the same way, an employee may make contact with his/her employer. This contact can be made in any way that best suits both parties such as by telephone or in writing. It is recommended that, before adoption leave commences, arrangements for staying in touch are discussed and agreed.

## **16. AUTHORISED LEAVE**

**16.1** Any period of authorised leave (paid or unpaid) shall be regarded as service for the purposes of calculating annual leave entitlement. If an employee intends to take annual leave before or after their AL, they will require the authorisation of their line manager/Principal.

## **17. PAYMENT OF ESSENTIAL CAR USER ALLOWANCE**

**17.1** The Education Authority considers that, for all employees, the essential car user allowance should be treated as a 'reimbursement' to offset costs associated with the employee being designated as an 'essential car user' for the purposes of conducting the Education Authority's business. This payment is intended to be a reimbursement of expenses and is not simply cash that is a 'transferable benefit' (i.e. insurance, road tax etc). In these circumstances, the

allowance is considered to be a benefit and employees on adoption leave will be entitled to essential car user allowance throughout the entire adoption leave period.

*This form **must** be completed, signed by the person requesting Adoption Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than 28 days before their Ordinary Adoption Leave commences.*

*Failure to comply with the conditions of the Adoption Leave Scheme without good reason may lead to a loss of benefits and a loss of the right to return to work. The information given on this form will also be used to assess your entitlement to Statutory Adoption Pay.*

**Quick Guide to Timeframes**

**Adoption Pay**

Occupational Adoption Pay <b>or</b> Statutory Adoption Pay <i>(as appropriate depending on eligibility)</i>	Statutory Adoption Pay <i>(as appropriate depending on eligibility)</i>	Any Additional Adoption leave taken beyond 39 weeks is unpaid
Up to 18 weeks	Up to 21 weeks	

**Adoption Leave**

Ordinary Adoption Leave (OAL) Up to 39 weeks	Additional Adoption Leave (AAL) Up to 13 weeks
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**PART A – To be completed by employee (please use block capitals)**

Name: _____	Address: _____ _____
Employee No.: _____	Postcode: _____
Post(s) held: _____ _____	Location: _____ _____
Email Address: _____ <u>(If provided, EA will use to issue correspondence)</u>	

Expected date of placement:	_____	
Matching Certificate (from adoption agency):	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Date Ordinary Adoption Leave to commence:	_____	
Number of weeks ordinary adoption leave required (up to 39 weeks):	_____	
Is it your intention to apply for Additional Adoption Leave? (up to 13 weeks – please see notes for guidance)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Number of weeks additional adoption leave required:	_____	
Date Additional Adoption Leave to end:	_____	
<b>NB:</b> <i>The Education Authority requires notice of 8 weeks if you propose to return to work from adoption leave earlier than date specified.</i>		
Is it your intention to transfer a portion of your adoption leave to the father or spouse/partner?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
I wish to claim for adoption leave/pay in accordance with the Education Authority’s Adoption Leave Scheme and the Government’s Statutory Adoption Pay Scheme. I have read the Adoption Leave Scheme and agree to comply with the conditions therein. I authorise the Education Authority to seek recovery of any occupational adoption pay paid to me under the Education Authority’s Adoption Leave Scheme if I do not return to work after my period of adoption leave for a period of 3 months. I agree that these monies can be deducted from any salary/monies due to me from the Education Authority.		
<b>Employee Signature:</b>	_____	<b>Date:</b>
<b>Line Manager/Principal Signature:</b>	_____	<b>Date:</b>
<b><u>RECRUITMENT OPPORTUNITIES WHILE ON ADOPTION LEAVE</u></b>		
<p>It is recommended that any member of staff who would like to be kept up to date with internal and external job opportunities, creates a candidate profile on the <b>internal career section</b> and signs up to receive email alert notifications. In doing so, staff will receive an automated email notification once a new job opportunity is posted which matches their preference(s) selected when creating their profile e.g. job field or location. This can be done using a personal email address.</p> <p>Staff should note that in the event that they are making application to a post which has been advertised on the internal career section, they must only use the link to the internal career section in order to submit or make amendments to a draft application prior to the closing date.</p> <p><a href="#">Links to career sections</a></p> <p>External career section – <a href="https://www.eani.org.uk/job-opportunities">https://www.eani.org.uk/job-opportunities</a></p> <p>Internal career section – <a href="https://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en">https://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en</a></p>		

## Further support

If you require any further support please contact the Resourcing Service.

Corporate Recruitment: [corporaterecruitment@eani.org.uk](mailto:corporaterecruitment@eani.org.uk)

School Recruitment: [schoolsrecruitment@eani.org.uk](mailto:schoolsrecruitment@eani.org.uk)

Online Recruitment system administration issues: [onlinerecruitmentsystemadmin@eani.org.uk](mailto:onlinerecruitmentsystemadmin@eani.org.uk)

**PART B – to be completed by Human Resources**

**Employee Entitlement**

Under the terms and conditions of their employment, this employee is entitled to:

*Please tick only 1*

**Either**

**A Occupational Adoption Pay (OAP)** at the rate of 90% salary for the first 6 weeks; followed by:

- Occupational Adoption Pay at the rate of 50% salary for 12 weeks, plus Statutory Adoption Pay (the sum of both payments must not exceed full pay); followed by,
- Statutory Adoption Pay for 21 weeks.
- If availed of, unpaid Additional Adoption Leave of 13 weeks will follow on from this.

**OR**

**B Statutory Adoption Pay (SAP)** at the rate of 90% salary for the first 6 weeks; followed by:

- Statutory Adoption Pay 33 weeks *(or 90% of the employee's average weekly earnings, if this is less)*.
- If availed of, unpaid Additional Adoption Leave of 13 weeks will follow on from this.

**OR**

**C Adoption Leave** with no entitlement to OAP or SAP for a period of up to 52 weeks; comprising:

- 26 weeks' Ordinary Adoption Leave
- 26 Weeks' Additional Adoption Leave

*\* Please note, where the employee has resigned from work, the Education Authority may continue to act as the 'paying agent' to enable the employee to receive SAP; however, no employment-related contributions should be deducted from any payments made to the employee beyond the termination date.*

**Optional Elements**

*Please tick all that apply*

<b>Unpaid Additional Adoption leave</b>	The employee intends to take <b>unpaid</b> Additional Adoption Leave (AAL).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
<b>Transfer of Adoption Leave</b>	The employee intends to transfer a portion of his/her adoption leave to a spouse/partner.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	If Yes, <ul style="list-style-type: none"> <li>Is the person to whom adoption leave is to be transferred, also an employee of the Education Authority?</li> </ul>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

MATCHING CERTIFICATE			ELIGIBILITY CHECKED / CONFIRMED	
Received	Requested	Payroll	Recorded in Diary	Initials

<b>Payroll notified:</b>	<b>Date:</b>
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<b>Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

## EDUCATION AUTHORITY

### ORDINARY PARENTAL LEAVE SCHEME

#### NOTES FOR GUIDANCE

These notes are not intended as a full and definitive statement of ordinary parental leave rights or provisions.

[NOTE: parental leave shall now be referred to as 'Ordinary Parental Leave' to avoid confusion with the right to shared parental leave which was introduced in 2015.]

Advice is available from the People Services Section, Human Resources Directorate, Education Authority at the following locations:

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40 Academy Street BELFAST BT1 2NQ	Ballee Centre Ballee Road West Ballymena BT42 2HS	Grahamsbridge Road DUNDONALD BT16 2HS
3 Charlemont Place The Mall, ARMAGH BT61 9AX	1 Hospital Road OMAGH BT79 0AW	

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Telephone : 028 9041 8006 and select the relevant region

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#### ENTITLEMENT OVERVIEW

QUALIFYING SERVICE	ENTITLEMENT
One year's continuous service with the Education Authority	18 weeks' Ordinary Parental Leave (unpaid leave) for the purpose of caring for a child up to the age of 18 ( <b>up to a maximum of four weeks unpaid OPL in a twelve month period in respect of any individual child</b> )

#### ABBREVIATIONS AND TERMS

AAL	Additional Adoption Leave.
AML	Additional Maternity Leave.
OPL	Ordinary Parental Leave.
OPL1	Application form for Ordinary Parental Leave.
SPL	Shared Parental Leave.
SShPP	Statutory Shared Parental Pay.

## 1. INTRODUCTION

- 1.1 The Ordinary Parental Leave (OPL) Scheme shall apply to all employees with the exception of teachers who have their own scheme.
- 1.2 The scheme reflects the rules concerning OPL as a consequence of the Maternity and Parental Leave etc Regulations (Northern Ireland) 1999 (as amended) and the Parental Leave (EU Directive) (Maternity and Parental Leave) Regulations (Northern Ireland) 2013.
- 1.3 Further information on ordinary parental leave rights is available from the NI Direct website: [www.nidirect.gov.uk/employment](http://www.nidirect.gov.uk/employment).

## 2. ENTITLEMENT

- 2.1 OPL shall apply to all employees who have, or expect to have, parental responsibility for a child, to provide unpaid leave for the purpose of caring for that child or to make arrangements for their welfare.
- 2.2 Employees must have at least one year's continuous service with the Education Authority to be eligible for OPL.
- 2.3 Provided that an employee has complied with the notification procedures, they will be entitled to a maximum of 18 weeks' unpaid OPL for the purpose of caring for a child up to the age of 18 (different rules for disabled and adopted children no longer apply). **Employees can take a maximum of 4 weeks' unpaid OPL in a twelve month period in respect of any individual child.**
- 2.4 OPL is per parent/person with parental responsibility, per child. The right applies to each child, therefore if an employee has twins, they would be entitled to 18 weeks' unpaid OPL in respect of **each** twin. **Employees can take a maximum of 4 weeks' unpaid OPL in a twelve month period in respect of any individual child.**
- 2.5 OPL cannot be transferred between parents. It is a different entitlement to Shared Parental Leave (SPL) and Statutory Shared Parental Pay (SShPP). However, employees can take OPL regardless of whether or not they take SPL as the two rights are entirely separate.
- 2.6 OPL applies to an individual child, not to an individual employment. If an employee has already taken OPL with a previous employer or with EA, they should declare this on the application form OPL1 attached.

## 3. ELIGIBILITY

- 3.1 This entitlement is available to an employee where they have, or expect to have, parental responsibility for a child in accordance with the Children (Northern Ireland) Order 1995, including:
- the mother of the child;
  - the father of the child if he was married to the mother at the time of birth or he is registered as the child's father;
  - the father of the child if he was not married to the mother at the time of the child's birth, but has acquired parental responsibility for the child;

- foster parents;
- adoptive parents prior to and following placement;
- grandparents with a significant parenting role;
- step-parents;
- a guardian appointed under the Children (NI) Order 1995;
- a person granted a Residence Order under the Children (NI) Order 1995; and
- same-sex or civil partners.

#### **4. APPLICATION OF THE ORDINARY PARENTAL LEAVE (OPL) SCHEME**

##### **4.1 OPL may be taken either:**

- in blocks or multiples of one week up to a maximum of 18 weeks per child **but NOT more than 4 weeks in a twelve month period in respect of any individual child; or**
- as a number of shorter periods of a minimum of a half day.

**4.2** Employees should note a week is based on your usual working pattern. Therefore if you work Mondays and Tuesdays only, a week would be two days or if you work Monday to Friday, a week would be five days.

#### **5 NOTIFICATION AND EVIDENCE REQUIRED**

**5.1** Employees applying for OPL should give as much notice as possible and provide written confirmation, at least 21 days before the date on which the OPL is to begin, of the dates on which the period of leave is to begin and end.

**5.2** Where the leave is to begin on the date on which the child is born or placed for adoption, the employee should provide written confirmation of:

- the expected week of childbirth (EWC) or week in which placement is expected to occur; and
- the duration of the period of leave.

**5.3** Where requested, the employee may be asked to provide reasonable evidence of:

- the child's date of birth or placement for adoption;
- the employee's responsibility or expected responsibility for the child; and
- if applicable, the award of Disability Living Allowance/Personal Independence Payment for your child.

**5.4** Parental leave may be granted without notice only in special circumstances, and at the discretion of the Education Authority.

#### **6. POSTPONEMENT**

**6.1** OPL cannot be postponed if the leave is to be taken upon the birth of a child or upon placement of a child for adoption.

- 6.2** Every attempt will be made to avoid postponement of OPL, however, where this is necessary OPL shall not be postponed for more than three months except in special circumstances.
- 6.3** A period of OPL may be postponed by the employer for up to three months where it is considered the leave would unduly disrupt the employer's operational activities. For example, it may be legitimate for a school to postpone leave for a school based employee until it coincides with either a more appropriate time in the academic year or a mid-term or end of term break.
- 6.4** The employee must be notified in writing within 7 days' of their request for leave, stating the reason for the postponement.
- 6.5** After consultation with the employee, the employer must agree to grant a period of leave of the same duration as requested, beginning on a date within 6 months of the original date requested and specify, in writing, the date upon which the leave may be taken. If no agreement can be reached after consultation the employer must determine the appropriate dates.

## **7. AUTHORISED LEAVE**

- 7.1** OPL taken will be treated as continuous service. Any period of authorised leave (paid or unpaid) shall be regarded as service for the purposes of calculating annual leave entitlement. If an employee intends to take annual leave before or after their OPL, they will require the authorisation of their line manager/Principal.

## **8. SICKNESS DURING PARENTAL LEAVE**

- 8.1** Employees who are sick during a period of OPL will be entitled to sick pay (where eligible), provided they submit the relevant medical cover. This period of sickness shall not count towards the OPL entitlement.

## **9. PENSION SCHEME MEMBERS (NILGOSC) –**

### **9.1 Unpaid Ordinary Parental Leave**

You will be given an opportunity to 'buy' back the 'lost' pension through an Additional Pension Contribution (APC) contract either over a period of time or as a one-off lump sum. APCs can only be purchased for those active members. It is an employee's responsibility to pay an APC in full before leaving employment.

- 9.2** Further details can be found on the Education Authority's website [www.eani.org.uk](http://www.eani.org.uk); or on the Northern Ireland Local Government Officers Superannuation Committee website [www.nilgosc.org.uk](http://www.nilgosc.org.uk) or alternatively, you may contact the Human Resources Directorate [contact details on page 1] or NILGOSC, 411 Holywood Road, Belfast, BT4 2LP, Tel 0845 387 346 / [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk).

*This form **must** be completed, signed by the person requesting Ordinary Parental Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], as soon as possible but no later than 7 days before the date on which the ordinary parental leave is due to commence.*

**Please note: In order to be granted Ordinary Parental Leave, you must either be the:**

- the mother of the child;
- the father of the child if he was married to the mother at the time of birth or he is registered as the child’s father;
- the father of the child if he was not married to the mother at the time of the child’s birth, but has acquired parental responsibility for the child;
- foster parents;
- adoptive parents prior to and following placement;
- grandparents with a significant parenting role;
- step-parents;
- a guardian appointed under the Children (NI) Order 1995;
- a person granted a Residence Order under the Children (NI) Order 1995; and
- same-sex or civil partners.

<b>PART A – To be completed by employee (please use block capitals)</b>	
Name: _____	Address: _____ _____
Employee No.: _____	Postcode: _____
Post(s) held: _____ _____	Location: _____ _____
Email Address: _____	
<u>(If provided, EA will use to issue correspondence)</u>	

Please state your relationship with the child:	_____
Expected date of birth/placement for adoption of the child/children:	_____
Birth Certificate/Matching Certificate (from adoption agency):	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date ordinary parental leave to commence: (maximum of four weeks in a twelve month period in respect of an individual child)	_____
Date ordinary parental leave to cease:	_____
Where applicable, previous period(s) of ordinary parental leave taken (either with a previous employer or with EA):	_____
	_____
	_____

I hereby certify that:	
<ul style="list-style-type: none"> <li>I have or expect to have parental responsibility for the child/children; and</li> <li>I am taking time off to support or care for the child/children.</li> </ul>	
<b>Employee Signature:</b>	<b>Date:</b>
<b>Line Manager/ Principal Signature:</b>	<b>Date:</b>
<p><b>RECRUITMENT OPPORTUNITIES WHILE ON ORDINARY PARENTAL LEAVE</b></p> <p>It is recommended that any member of staff who would like to be kept up to date with internal and external job opportunities, creates a candidate profile on the <b>internal career section</b> and signs up to receive email alert notifications. In doing so, staff will receive an automated email notification once a new job opportunity is posted which matches their preference(s) selected when creating their profile e.g. job field or location. This can be done using a personal email address.</p> <p>Staff should note that in the event that they are making application to a post which has been advertised on the internal career section, they must only use the link to the internal career section in order to submit or make amendments to a draft application prior to the closing date.</p> <p><a href="#">Links to career sections</a></p> <p>External career section - <a href="https://www.eani.org.uk/job-opportunities">https://www.eani.org.uk/job-opportunities</a></p>	

Internal career section - <https://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en>

#### Further support

If you require any further support please contact the Resourcing Service.

Corporate Recruitment: [corporaterecruitment@eani.org.uk](mailto:corporaterecruitment@eani.org.uk)

School Recruitment: [schoolsrecruitment@eani.org.uk](mailto:schoolsrecruitment@eani.org.uk)

Online Recruitment system administration issues: [onlinerecruitmentsystemadmin@eani.org.uk](mailto:onlinerecruitmentsystemadmin@eani.org.uk)

**PART B – to be completed by Human Resources**

**Employee Entitlement**

Under the terms and conditions of their employment, this employee is entitled to:

<b>18 weeks' unpaid Ordinary Parental Leave (OAL):</b>	
Period of OPL currently requested	
Periods of OPL Previously taken:	

**Evidence Requested:**

<b>BIRTH/MATCHING CERTIFICATE</b>			
<b>Requested</b>	<b>Received</b>	<b>Recorded in Diary</b>	<b>Initials</b>
<b>AWARD OF DISABILITY LIVING ALLOWANCE/PERSONAL INDEPENDENCE PAYMENT</b>			
<b>Requested</b>	<b>Received</b>	<b>Recorded in Diary</b>	<b>Initials</b>

<b>Payroll notified:</b>	<b>Date:</b>
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<b>Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

## EDUCATION AUTHORITY

### SHARED PARENTAL LEAVE SCHEME

#### NOTES FOR GUIDANCE

These notes are not intended as a full and definitive statement of 'shared parental' rights or provisions.

Advice is available from the People Services Section, Human Resources Directorate, Education Authority at the following locations:

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40 Academy Street BELFAST BT1 2NQ	Ballee Centre Ballee Road West Ballymena BT42 2HS	Grahamsbridge Road DUNDONALD BT16 2HS
3 Charlemont Place The Mall, ARMAGH BT61 9AX	1 Hospital Road OMAGH BT79 0AW	

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Telephone : 028 9041 8006 and select the relevant region

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#### ENTITLEMENT OVERVIEW

QUALIFYING SERVICE	ENTITLEMENT
26 weeks' continuous service by the end of the 15 <sup>th</sup> week before the expected week of childbirth (EWC) /week they have been informed by the adoption agency that they have been matched with a child.	<ul style="list-style-type: none"><li>• Up to 50 weeks' Shared Parental Leave</li><li>• Up to 37 weeks' Statutory Shared Parental Pay (if eligible)</li></ul>

#### ABBREVIATIONS AND TERMS

<i>SPL</i>	Shared Parental Leave
<i>SshPP</i>	Statutory Shared Parental Pay
<i>SMP</i>	Statutory Maternity Pay
<i>MA</i>	Maternity Allowance
<i>SAP</i>	Statutory Adoption Pay
<i>SPLIT</i>	Shared Parental Leave in Touch Days
<i>SPL1</i>	Curtailment of Maternity Leave and Pay
<i>SPL2</i>	Notification that mother is intending to take SPL
<i>SPL3</i>	Notice confirming that partner is taking SPL but mother is not
<i>SPL4</i>	Notification that partner is intending to take SPL

## EDUCATION AUTHORITY

### SHARED PARENTAL LEAVE SCHEME

#### 1 INTRODUCTION

- 1.1 This Shared Parental Leave Scheme shall apply to all employees with the exception of teachers who have their own scheme.
- 1.2 The scheme reflects rules concerning statutory shared parental leave as a consequence of the Shared Parental Leave Regulations (NI) 2015.
- 1.3 All eligible employees have a right to take SPL and in addition, may be entitled to Statutory Shared Parental Pay (SShPP). This scheme sets out the statutory rights and responsibilities of eligible employees wishing to take SPL and, where applicable, SShPP.
- 1.4 Further information on shared parental leave and statutory shared parental pay is available from the NI Direct website: [www.nidirect.gov.uk/employment](http://www.nidirect.gov.uk/employment).

#### 2 ELIGIBILITY AND ENTITLEMENT

- 2.1. Shared Parental Leave (SPL) enables eligible employees to choose how to share the care of their child during the first 12 months of birth or adoption. The purpose of SPL is to allow parents a greater degree of flexibility in planning how best to care for their child.
- 2.2 Following the birth of a child or the placement of a child for adoption, employees who are eligible under paragraph 2.3 have the right to take up to 50 weeks SPL during the child's first 12 months in their family.
- 2.3 SPL can only be used by two people:-
  - the mother/adopter; and either
  - the father of the child (in the case of birth); or
  - the spouse, civil partner or partner of the child's mother/adopter.
- 2.4 The employee must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Additionally, an employee wishing to take SPL must satisfy each of the following conditions:
  - the child's mother/adopter must be/have been entitled to statutory maternity/adoption leave and/or statutory maternity pay (SMP) or statutory adoption pay (SAP) or maternity allowance (MA) and must have ended or given notice to reduce any maternity/adoption entitlements (referred to as 'curtailment');
  - the employee must be in the employment of the Education Authority at the start of each period of SPL;
  - the employee must have a minimum of 26 weeks' service by the end of the 15<sup>th</sup> week before the expected week of childbirth/matching date (this is referred to as the 'continuity test');

- during the 66 weeks prior to the child's birth/placement, the employee's partner is required to have worked for a minimum of 26 weeks and, in addition, earned an average of at least £30 a week (this may rise annually) in any 13 of those weeks (referred to as the 'employment and earnings test');
- the employee must correctly notify the Education Authority of their entitlement and provide the required evidence to demonstrate they meet the eligibility criteria.

### **3. AVAILING OF SHARED PARENTAL LEAVE (SPL)**

**3.1** Eligible employees may be entitled to take up to 50 weeks SPL between the child's birth and first birthday or within one year of adoption.

**3.2** The number of weeks available as SPL will be calculated using the mother/adopter's entitlement to maternity/adoption leave (up to 52 weeks). If the mother/adopter reduces their maternity/adoption leave in accordance with paragraph 3.3 then they and/or their partner may opt in to the SPL Scheme and take the remaining leave as SPL.

**3.3** A mother/adopter reduces their entitlement to maternity/adoption leave by returning to work in advance of taking the full entitlement of 52 weeks, or they may give notice to curtail their leave at a specified date in the future.

**3.4** SPL can commence as follows:

- the mother/adopter can take SPL after taking two weeks of maternity/adoption leave following the birth/placement of the child;
- the father/partner/spouse can take SPL immediately following the birth/placement of the child. There is no requirement to exhaust paternity leave entitlements before commencing SPL however, once SPL or SShPP is commenced, paternity pay or leave may not be taken.

**3.5** SPL will commence on the employee's chosen start date specified on the appropriate application form(s) (see paragraph 4 and Notes of Guidance at end of this scheme).

**3.6** If the employee is eligible, SShPP may be paid for some or all of the SPL period.

**3.7** SPL will cease no later than one year after the birth/placement of the child. Remaining SPL not taken in advance of this date will be lost.

### **4. NOTICE OF INTENTION TO TAKE SHARED PARENTAL LEAVE**

**4.1** An employee is required to notify the Education Authority of their eligibility and intention to take SPL at least 8 weeks before the date of commencement.

**4.2** In accordance with paragraph 2 above, the employee must provide the requested documentary evidence to the Education Authority to determine eligibility by completing the appropriate application form(s) (see Notes of Guidance at end of this scheme).

**4.3** The employee must further prove to the Education Authority that they meet the eligibility conditions by providing documentation requested and by completing the signed declaration stating:

- that they meet, or will meet, the eligibility conditions and are entitled to take SPL;

- all the information provided to the Education Authority in connection to SPL is accurate;
- if the employee is not the mother/adopter, they must confirm that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter;
- in the event that they cease to be eligible, they will immediately inform the Education Authority. (See attached SPL1, 2, 3 and 4)

**4.4** In addition the employee must also provide the Education Authority with the declaration forms attached (See SPL2 and 4) completed and signed by their partner stating:

- their name, address and national insurance number (or a declaration that they do not have a National Insurance number);
- that they are the mother/adopter of the child or they are the father of the child or they are the spouse, civil partner or the partner of the mother/adopter;
- that they satisfy the 'employment and earnings' test referred to in paragraph 2.4 above, and had, at the date of the child's birth or placement for adoption, the main responsibility for the child, along with the employee;
- that they consent to the amount of SPL the employee intends to take;
- that they consent to the Education Authority processing the information contained in the declaration form;
- that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

## **5. EVIDENCE OF ELIGIBILITY FOR SHARED PARENTAL LEAVE**

**5.1** The Education Authority may request the following:

- the name and business address of the partner's employer (in the event the employee's partner is no longer employed or is self-employed, their contact details must be provided);
- 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 date 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 notified of having been matched with the child and the date on which the agency expects to place the child for adoption.

**5.2** If requested to do so and to be eligible for SPL, the employee must provide the above information within 14 days.

## **6. REQUESTING SHARED PARENTAL LEAVE**

**6.1** An employee is required to notify the Education Authority 8 weeks in advance of their intention to take SPL. SPL can only be taken in complete weeks but may begin on any day of the week. Where the employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

**6.2** The employee has the right to submit three notifications outlining the leave periods they intend to take. Each notification may contain either:

- a single period of continuous weeks of leave; **or**

- 2 or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

**6.3** Applications for discontinuous leave must be agreed between the employee and the line manager/Principal and shall be considered on a case by case basis. Agreeing to a request is entirely discretionary and will in no way set a precedent or create the right for another employee to be granted a similar pattern of SPL.

**6.4** If the leave pattern requested is refused, the employee will be given the opportunity to take the leave in a single continuous block, the dates of which must also be agreed between the employee and the line manager/Principal. If the employee chooses to take the leave in a single continuous block, the employee has until the 19<sup>th</sup> day from the date the original notification was given to choose when they want the leave period to commence. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

**6.5** Employees should note a week is based on your usual working pattern. Therefore if you work Mondays and Tuesdays only, a week would be two days or if you work Monday to Friday a week would be five days.

## **7. RESPONDING TO SHARED PARENTAL LEAVE (SPL) NOTIFICATION**

**7.1** The Education Authority will deal with all requests for SPL no later than 21 days following receipt of a leave request and a response will be provided by the Education Authority in writing.

## **8 VARIATIONS TO ARRANGED SHARED PARENTAL LEAVE**

**8.1** An employee can vary or cancel an agreed period of SPL on condition that they notify the Education Authority in writing at least eight weeks in advance of the date of any proposed variation. A new start date cannot be sooner than eight weeks from the date of the variation request.

**8.2** Any variation notification made by the employee, including notice to return to work early, will usually be deemed as a new notification and accordingly will reduce the employee's right to book/vary leave by one notification (paragraph 6.2 refers). This will not apply when the change is as a result of a child being born early, or if the date the child was to be placed with the adoptive parent changes, or as a result of the Education Authority requesting it be changed and the employee being agreeable to the change.

**8.3** Any variation request will be confirmed in writing by the Education Authority.

## **9 STATUTORY SHARED PARENTAL PAY (SShPP)**

**9.1** Eligible employees may be entitled to take up to 37 weeks SShPP 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. SShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

**9.2** In addition to meeting the eligibility requirements for SPL, an employee wishing to claim SShPP must also satisfy each of the following conditions:

- 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;
- the employee must intend to care for the child during the week(s) in which SShPP is payable;
- the employee must have average weekly earnings\* for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the expected week of childbirth/matching date not less than the lower earnings limit in force for National Insurance contributions;
- the employee must remain in continuous employment until the first week of SShPP has begun;
- the employee must give correct notification in accordance with the rules set out below.

\* This figure is set by the Department of Health and is subject to alteration, usually on an annual basis. Average weekly earnings are calculated over the 8 weeks prior to the commencement of the 15<sup>th</sup> week before the EWC.

**9.3** Where an employee is entitled to receive SShPP they must, at least eight weeks prior to receiving any SShPP, give the Education Authority written notice advising of their entitlement to SShPP.

**9.4** In addition to the information that must be included in the notice of entitlement to take SPL, a notice advising of an entitlement for SShPP must include the following:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of SShPP available, the amount of SShPP the employee or their partner each intend to claim, and a non-binding indication of when the employee expects to claim SShPP;
- a signed declaration from the employee confirming that the information that they have given is correct, that they meet, or will meet, the conditions for SShPP and that they will immediately inform the Education Authority should they cease to be eligible.

**9.5** The notice above must be accompanied by a signed declaration from the employee's partner confirming the following:

- their agreement to the employee claiming SShPP and for the Education Authority to process any SShPP to the employee;
- in the case where the partner is the mother/adopter, that they have reduced their maternity/adoption pay or maternity allowance;
- in the case where the partner is the mother/adopter, that they will immediately inform the partner should they cease to meet the eligibility conditions.

**9.6** Any SShPP due will be paid at the rate set by legislation for the relevant tax year.

## **10. SHARED PARENTAL LEAVE IN TOUCH DAYS ('SPLIT' DAYS)**

**10.1** An employee may agree with his/her line manager/Principal to work for up to 20 days during SPL without losing SShPP entitlements or bringing his/her SPL to an end as a result. Normal full pay, abated by any SShPP payments that may be available, is payable for any days worked.

These days may be taken in single or multiple days up to a maximum total of 20 SPLIT days. Working for part of a day will count as one full day out of the entitlement of 20 SPLIT days. Pay will be pro-rata for the hours worked.

- 10.2** This provision is intended to help to ease the employee's return to work which is different to contact during parental leave described in paragraph 12. For the purposes of this arrangement, "work" means any work done for the Education Authority under his/her normal contract of employment and may include training or any activity undertaken by the employee for the purposes of keeping in touch with the workplace. Any SPLIT days worked under this provision must be by agreement between the employee who is on parental leave and his/her line manager/Principal. The line manager/Principal may not compel the employee to attend work and similarly the employee may not insist on working up SPLIT days. Employees on SPL who refuse to attend work in respect of a SPLIT day are protected from any detriment.
- 10.3** Any day's work carried out as specified above shall not have the effect of extending the total duration of the parental leave. SPLIT days should not be taken in the two weeks following the birth of the baby (i.e. compulsory maternity leave period).

## **11. PENSION SCHEME MEMBERS (NILGOSC)**

### **11.1 Paid Shared Parental Leave**

During a period of paid SPL the member will build up 1/49<sup>th</sup> Assumed Pensionable Pay if they are in the 'Main Scheme' or 1/98<sup>th</sup> assumed pensionable pay if they are in the '50/50 Scheme'. The member pays contributions on the actual pay received while the employer pays contributions on the Assumed Pensionable Pay.

### **11.2 Unpaid Shared Parental Leave**

You will be given an opportunity to 'buy' back the 'lost' pension through an Additional Pension Contribution (APC) contract either over a period of time or as a one-off lump sum. APCs can only be purchased for those active members. It is an employee's responsibility to pay an APC in full before leaving employment.

- 11.3** Further details can be found on the Education Authority's website [www.eani.org.uk](http://www.eani.org.uk); or on the Northern Ireland Local Government Officers Superannuation Committee website [www.nilgosc.org.uk](http://www.nilgosc.org.uk) or alternatively, you may contact the Human Resources Directorate (contact details on page 1) or NILGOSC, 411 Hollywood Road, Belfast, BT4 2LP, Tel 084 5387 346 / [info@nilgosc.org.uk](mailto:info@nilgosc.org.uk).

## **12. CONTACT**

- 12.1** During the SPL period, the Education Authority may make reasonable contact with the employee in order to discuss, for example, arrangements for his/her return to work such as dates or working hours, or to keep the employee informed of developments at the workplace. In the same way, an employee may make contact with his/her employer. This contact can be made in any way that best suits both parties such as by telephone or in writing. It is recommended that before SPL commences, arrangements for staying in touch are discussed and agreed.

**13. AUTHORISED LEAVE**

**13.1** Any period of authorised leave (paid or unpaid) shall be regarded as service for the purposes of calculating annual leave entitlement. If an employee intends to take annual leave before or after his/her SPL, he/she will require the authorisation of their line manager/Principal.

**14. PAYMENT OF ESSENTIAL CAR USER ALLOWANCE**

**17.1** The Education Authority considers that, for all employees, the essential car user allowance should be treated as a 'reimbursement' to offset costs associated with the employee being designated as an 'essential car user' for the purposes of conducting the Education Authority's business. This payment is intended to be a reimbursement of expenses and is not simply cash that is a 'transferrable benefit' (i.e. insurance, road tax etc). In these circumstances the allowance is considered to be a benefit and employees on SPL will be entitled to essential car user allowance throughout the entire SPL period.

**SPL FORMS**

These are the forms needed by a mother and the person she will share Shared Parental Leave (SPL) with – known as the partner - to confirm eligibility and entitlement with their employers. The forms can also be used to confirm eligibility and entitlement to Statutory Shared Parental Pay (SShPP).

<b>What forms need to be completed?</b>			
	Both parents want to take SPL	Just the mother wants to take SPL	Just the partner wants to take SPL
SPL1	<b>YES</b>	<b>YES</b>	<b>YES</b>
SPL2	<b>YES</b>	<b>YES</b>	<b>NO</b>
SPL3	<b>NO</b>	<b>NO</b>	<b>YES</b>
SPL4	<b>YES</b>	<b>NO</b>	<b>YES</b>

- A copy of the Education Authority shared parental leave scheme is available on [www.eani.org.uk](http://www.eani.org.uk). Alternatively contact the People Services Section, Human Resources Directorate, Education Authority, contact details on page 1.
- It is recommended a copy of each completed form is retained by you for information purposes.
- Use the calculator at [www.gov.uk/pay-leave-for-parents](http://www.gov.uk/pay-leave-for-parents) to find some of the information needed to complete these forms.
- If the mother is in receipt of Maternity Allowance (MA), she will need to notify the Social Security Agency to curtail this entitlement.
- The earnings requirements mentioned are as set by legislation for the relevant tax year.

**ABBREVIATIONS AND TERMS**

- SPL* Shared Parental Leave
- SShPP* Statutory Shared Parental Pay
- SMP* Statutory Maternity Pay
- MA* Maternity Allowance



**SHARED PARENTAL LEAVE  
APPLICATION FORM  
SPL1**

*This form **must** be completed, signed by the person requesting Shared Parental Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than eight weeks before the date of commencement.*

**SPL1: CURTAILMENT OF MATERNITY/ADOPTION LEAVE AND PAY  
(TO BE COMPLETED IF THE MOTHER IS EMPLOYED BY EDUCATION AUTHORITY)**

<b>SPL 1: Curtailment of Maternity/Adoption Leave and Pay</b>	
Please accept this as my notice to curtail my maternity/adoption leave and/or SMP/SAP.	
This form is accompanied by notification that either I intend to take SPL and/or SShPP or that my partner intends to take SPL and/or SShPP.	
I understand that my maternity/adoption leave will end on the date given in Section B and that my SMP/SAP will end on the date given in Section C.	
I understand that I can only reinstate my maternity/adoption leave if I revoke this notice before the curtailment date given in Section B.	
I understand that if I am eligible for myself or my partner to opt into SPL and SShPP I can only reinstate my SMP/SAP if I revoke this notice before the end date given in Section C.	
<b>PART A – General (must be completed by employee - please use block capitals)</b>	
Name: _____	Address: _____
Employee No.: _____	Postcode: _____
Post(s) held: _____	Location: _____
Email Address: _____	
<u>(If provided, EA will use to issue correspondence)</u>	

<b>PART B: Curtailing maternity/adoption leave (must be completed)</b>	
Date statutory maternity/adoption leave started/is intended to start:	
Date statutory maternity/adoption leave will come to an end:	
Total number of weeks of statutory maternity/adoption leave that will have been taken at the date that statutory maternity/adoption leave ends:	
<b>PART C: Curtailing maternity/adoption pay (only complete if claiming SShPP)</b>	
Date SMP/SAP started/is intended to start:	
Date SMP/SAP will come to an end:	
Total number of weeks of SMP/SAP that will have been paid at the date that SMP/SAP ends:	
<b>PART D: Signature (must be completed)</b>	
<b>Employee's Signature:</b>	<b>Date:</b>
<b>Line Manager/ Principal Signature:</b>	<b>Date:</b>

**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**SHARED PARENTAL LEAVE  
APPLICATION FORM  
SPL2**

*This form **must** be completed, signed by the person requesting Shared Parental Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than 8 weeks before the date of commencement.*

**SPL2: NOTIFICATION THAT MOTHER IS INTENDING TO TAKE SPL  
(TO BE COMPLETED IF THE MOTHER IS EMPLOYED BY THE EDUCATION AUTHORITY)**

<b>SPL 2: Notification that mother is intending to take SPL</b>	
<b>PART A: General (must be completed by employee - please use block capitals)</b>	
Please accept this as notification that I (the mother) am entitled to and intend to take SPL (and SShPP if section C is completed).	
Name: _____	Address: _____ _____
Employee No.: _____	Postcode: _____
Post(s) held: _____ _____	Location: _____ _____
Email Address: _____ <u>(If provided, EA will use to issue correspondence)</u>	
Partner's Name: _____	Address: _____ _____
National Insurance No: _____	Postcode: _____
(State 'none' if no number is held)	
Expected date of childbirth/placement of a child:	
Actual date of child's birth: (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	

<b>PART B: Maternity/adoption entitlement details (all answers that apply must be completed)</b>	
Total number of weeks SMP/SAP or MA has been paid or will have been paid at date of curtailment:	
Total number of weeks by which SMP/SAP or MA will be reduced (i.e. 39 weeks minus total number of weeks SMP/SAP or MA has been paid or will have been paid at date of curtailment)	
<b>PART C: Amount of SPL available (must be completed)</b>	
Please indicate if this is the 1 <sup>st</sup> , 2 <sup>nd</sup> or 3 <sup>rd</sup> notice [paragraph 6.2 refers]	
Total number of weeks of SPL created: [52 weeks less total number of maternity/adoption weeks taken and any SPL from a previous notice and revocation]	
Total number of weeks of SPL - I (the mother) intend to take	
Total number of weeks of SPL my partner intends to take	
<b>PART D: Indication of Mother's leave intentions (must be completed but is not binding)</b>	
I (the mother) currently expect to take SPL during the period:	
From:	To:
<input type="text"/>	<input type="text"/>
<b>PART E: Amount of SShPP available (only complete if claiming SShPP)</b>	
Total number of weeks of SShPP created: [39 weeks less total number of SMP/SAP taken and any SShPP paid from a previous notice and revocation]	
Total number of weeks of SShPP - I (the mother) intend to take:	
Total number of weeks of SShPP my partner intends to take:	
I (the mother) currently expect to take SShPP during the period:	
From:	To:
<input type="text"/>	<input type="text"/>
<b>PART F: Mother's declaration (must be completed)</b>	
<b>The following points apply in all circumstances where a mother is entitled to maternity/adoption leave:</b>	
<ul style="list-style-type: none"> <li>• I am giving notice that I am entitled to and intend to take SPL</li> <li>• I have, or will have, been continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the expected week of childbirth/placement of a child</li> <li>• I will remain employed with this employer during any period of SPL that I intend to take</li> <li>• I had (or will have) the main responsibility for the care of the child at the time of the child's birth/placement (along with my partner who has made the declaration below)</li> <li>• I am entitled to maternity/adoption leave, my maternity/adoption leave period is reduced and the remaining weeks are now available as SPL</li> <li>• I will inform my employer immediately if I am no longer caring for my child</li> </ul>	

- I will give my employer a copy of my child's birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of my partner's employer or a declaration that they do not have an employer if my employer asks for this within 14 days of the date of this notice
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take SShPP
- I have been (or will be) paid at least the Lower Earnings Limit in the eight weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth/placement of a child
- I am entitled to SMP/SAP in respect of the birth/placement of our child/, my maternity/adoption pay period is reduced and the period that remains is available as SShPP
- I will be absent from work in each week in which I will be paid SShPP and I will be on SPL in those weeks (if entitled to SPL)
- I intend to care for my child in the weeks I receive SShPP
- I will remain employed with the Education Authority until before the date of my first period of SShPP
- I will immediately inform the person who will be paying SShPP if I revoke the curtailment of my SMP/SAP or MA
- The information provided in this declaration is accurate

**Mother's Signature:**

**Date:**

**PART G: Partner's declaration (must be completed)**

- I am the father of the child, or at the date of the birth/placement, I was/will be the mother's spouse, the mother's civil partner and/or the mother's partner living with her and the child in an enduring relationship
- I had (or will have) the main responsibility for the care of our child at the time of the birth/placement (along with the child's mother)
- I have been (or will have been) employed or self-employed in the UK in 26 weeks of the 66 weeks before the expected week of childbirth/placement of a child
- I have (or will have) earned in total at least £390 (this may rise annually) in 13 weeks of the 66 weeks before the expected week of childbirth/placement of a child
- I consent to the amount of SPL which the mother intends to take, as set out in Section D above.
- I consent to the mother's employer processing the information I have provided
- I consent to the amount of SShPP which the mother intends to take as set out in Section E above.
- The information provided in this declaration is accurate

**Partner's Signature:**

**Date:**

**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**SHARED PARENTAL LEAVE  
APPLICATION FORM  
[SPL3]**

*This form **must** be completed, signed by the person requesting Shared Parental Leave, countersigned by the line manager/Principal and returned to the People Services Section, Human Resources Directorate [contact details on page 1], not later than eight weeks before the date of commencement.*

**SPL3: NOTICE CONFIRMING THAT PARTNER IS TAKING SPL BUT MOTHER IS NOT  
(TO BE COMPLETED IF THE MOTHER IS EMPLOYED BY EDUCATION AUTHORITY)**

<b>SPL 3: Notice confirming that partner is taking SPL but mother is not</b>	
<b>PART A: General (must be completed by employee - please use block capitals)</b>	
Please accept this as notification that I (the mother) do not intend to take SPL (or SShPP where relevant) but that my partner will be.	
Name: _____	Address: _____
Employee No.: _____	Postcode: _____
Post(s) held: _____	Location: _____
Email Address: _____ <i>(If provided, EA will use to issue correspondence)</i>	
<b>PART B: Confirmation</b>	
<ul style="list-style-type: none"> <li>• I am either not entitled to SPL (or SShPP where relevant), or I do not intend to take SPL (or claim SShPP where relevant)</li> <li>• I declare that my partner has given a notice to their employer to take SPL and/or SShPP.</li> <li>• I consent to my partner's intended claim for SPL and/or SShPP.</li> </ul>	
<b>PART C: Signature (must be completed)</b>	
Employee Signature:	Date:
Line Manager/ Principal Signature	Date:

**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**SHARED PARENTAL LEAVE  
APPLICATION FORM  
SPL4**

*This form **must** be completed, signed by the person requesting Shared Parental Leave, countersigned by the line manager/Principal and returned to the People Services Section Human Resources Directorate [contact details on page 1], not later than eight weeks before the date of commencement.*

**SPL4: NOTIFICATION THAT PARTNER IS INTENDING TO TAKE SPL  
(TO BE COMPLETED IF THE PARTNER IS EMPLOYED BY EDUCATION AUTHORITY)**

<b>SPL 4: Notification that partner is intending to take SPL</b>	
<b>PART A: General (must be completed by employee - please use block capitals)</b>	
Please accept this as notification that I (the mother's partner) am entitled to and intend to take SPL (and SShPP if Part C is completed).	
Name: _____	Address: _____ _____
Employee No.: _____	Postcode: _____
Post(s) held: _____ _____	Location: _____ _____
Email Address: _____ <u>(If provided, EA will use to issue correspondence)</u>	
Partner's Name: _____	Address: _____ _____
National Insurance No: _____	Postcode: _____
(State 'none' if no number is held)	
Expected date of childbirth/placement of a child:	
Actual date of child's birth: (if child not yet born I will provide this information as soon as reasonably practicable following birth and before I take any SPL)	
<b>PART B: Maternity/adoption entitlement details (all answers that apply must be completed)</b>	
Date mother started (or intends to start) maternity/adoption leave (if applicable):	

Date mother's maternity/adoption leave ended (or will end) (if applicable):	
Total number of weeks of maternity/adoption leave taken (or that will be taken) when maternity/adoption leave ends:	
Date mother started (or intends to start) SMP/SAP or MA (if applicable):	
Date mother's SMP/SAP or MA ended (or will end) (if applicable):	
Total number of weeks SMP/SAP or MA has been paid or will have been paid at date of curtailment:	
Total number of weeks by which SMP/SAP or MA will be reduced: [i.e. 39 weeks minus total number of weeks SMP/SAP or MA has been paid or will have been paid at date of curtailment]	
<b>PART C: Amount of SPL available (must be completed)</b>	
<p>The total number of weeks of SPL created depends on the mothers leave and pay entitlements:</p> <ul style="list-style-type: none"> <li>• If the mother was/is entitled to maternity/adoption leave and SMP/SAP or/MA, the total created will be 52 weeks less any weeks maternity/adoption leave taken</li> <li>• If the mother was/is entitled to maternity/adoption leave but not to SMP/SAP or MA, the total created will be 52 weeks less any weeks maternity/adoption leave taken</li> <li>• If the mother was/is not entitled to maternity/adoption leave but was/is entitled to SMP/SAP or MA, the total created will be 52 weeks less any weeks of SMP/SAP or MA that was paid</li> <li>• If the mother previously revoked her curtailment notice any SPL that was taken by the partner must be deducted</li> </ul>	
Total number of weeks of SPL created (50 max)	
Total number of weeks of SPL I (the partner) intend to take	
Total number of weeks of SPL the mother intends to take (if applicable)	
<b>PART D: Indication of Partner's leave intentions (must be completed but is not binding)</b>	
I (the partner) currently expect to take SPL during the period:	
From:	To:
<input type="text"/>	<input type="text"/>
<b>PART E: Amount of SShPP available (only complete if claiming SShPP)</b>	
Total number of weeks of SShPP created [39 weeks less total number of SMP/SAP or MA taken and any SShPP paid from a previous notice and revocation]	
Total number of weeks of SShPP I (the partner) intend to take:	
Total number of weeks of SShPP mother intends to take:	

I (the partner) currently expect to take SShPP during the period:

From:

--	--	--

To:

--	--	--

**PART F: Partner’s declaration (must be completed)**

**The following points apply in all circumstances:**

- I am giving notice that I am entitled to and intend to take SPL
- I am the father of the child, or at the time of the birth/placement I was/will be the mother’s spouse, the mother’s civil partner and/or the mother’s partner living with her and the child in an enduring relationship
- I have been (or will be) continuously employed for 26 weeks at the end of the 15<sup>th</sup> week before the expected week of childbirth/placement
- I will remain employed with this employer until any period of SPL that I intend to take
- I had (or will have) the main responsibility for the care of our child at the time of the child’s birth/placement (along with the child’s mother who has made the declaration below)
- I will give my employer a copy of my child’s birth certificate or a declaration of the date and place of the birth where no certificate is available if my employer asks for this within 14 days of the date of this notice
- I will give my employer the name and address of the mother’s employer or a declaration that she does not have an employer if my employer asks for this within 14 days of the date of this notice
- I will inform my employer immediately if I am no longer caring for our child or if my partner revokes her notice to curtail her maternity leave or SMP/SAP or MA period
- I (or my partner) have given a period of SPL notice
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am giving notice that I am entitled to and intend to take SShPP
- I have been (or will be) paid at least the lower earnings limit in the eight weeks leading up to the end of the 15<sup>th</sup> week before the expected week of childbirth/placement
- I intend to care for my child in the weeks I receive SShPP
- I will be absent from work in each week in which I will be paid SShPP and I will be on SPL in those weeks (if entitled to SPL)
- I will remain employed with this employer until before the date of my first period of SShPP
- The information provided in this declaration is correct

**Employee Signature:**

**Date:**

**Line Manager/  
Principal Signature**

**Date:**

## **RECRUITMENT OPPORTUNITIES WHILE ON SHARED PARENTAL LEAVE**

It is recommended that any member of staff who would like to be kept up to date with internal and external job opportunities, creates a candidate profile on the **internal career section** and signs up to receive email alert notifications. In doing so, staff will receive an automated email notification once a new job opportunity is posted which matches their preference(s) selected when creating their profile e.g. job field or location. This can be done using a personal email address.

Staff should note that in the event that they are making application to a post which has been advertised on the internal career section, they must only use the link to the internal career section in order to submit or make amendments to a draft application prior to the closing date.

### Links to career sections

External career section - <https://www.eani.org.uk/job-opportunities>

Internal career section - <https://eani.taleo.net/careersection/internal/jobsearch.ftl?lang=en>

### Further support

If you require any further support please contact the Resourcing Service.

Corporate Recruitment: [corporaterecruitment@eani.org.uk](mailto:corporaterecruitment@eani.org.uk)

School Recruitment: [schoolsrecruitment@eani.org.uk](mailto:schoolsrecruitment@eani.org.uk)

Online Recruitment system administration issues: [onlinerecruitmentsystemadmin@eani.org.uk](mailto:onlinerecruitmentsystemadmin@eani.org.uk)

**PART G: Mother's declaration (must be completed)**

**The following points apply in all circumstances:**

- I had (or will have) the main responsibility for the care of the child at the time of the birth/placement (along with my partner who has made the declaration above)
- I am entitled to maternity/adoption leave and/or SMP/SAP or MA in respect of the child and I have curtailed (or will curtail) my entitlement to maternity/adoption leave (or I have returned to work) and/or my entitlement to SMP/SAP or MA.
- I have, or will have, been employed or self-employed in the UK in 26 weeks of the 66 weeks before the expected week of childbirth/placement
- I have (or will have) earned an average of £30 per week (this may rise annually) in any 13 during the 66 weeks prior to the child's birth/placement
- I will immediately inform my partner if I revoke my notice to curtail my maternity/adoption leave or, if I am not entitled to maternity/adoption leave, my SMP/SAP or MA entitlement
- I consent to my partner's intended SPL as set out in Section D above
- I consent to my partner's employer processing the information I have provided
- The information provided in this declaration is accurate and meets the notification requirements for SPL

**The following points only apply if Section E has been completed:**

- I am entitled to SMP/SAP or MA, and I have reduced (or will reduce) the SMP/SAP or MA period and the remainder will be available as SShPP
- I consent to my partner's intended SShPP as set out in Section E above
- I will immediately inform my partner if I revoke the reduction of my SMP/SAP or MA
- I consent to the person who will pay SShPP to my partner or the child's father processing the information I have provided
- The information provided in this declaration is correct

<b>Mother's Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**

**PART H – to be completed by Human Resources**

**Employee Entitlement**

Under the terms and conditions of their employment, this employee is entitled to:

<b>Up to 50 weeks’ Shared Parental Leave (SPL):</b>	
Number of weeks available: (calculated using the mother/adopter’s entitlement to maternity/adoption leave)	
<b>Up to 37 weeks’ Shared Parental Pay (ShPP):</b>	
Number of weeks available: (calculated using the mother/adopter’s entitlement to maternity/adoption leave)	

**Evidence Requested:**

<b>BIRTH/MATCHING CERTIFICATE</b>			
<b>Requested</b>	<b>Received</b>	<b>Recorded in Diary</b>	<b>Initials</b>

<b>Payroll notified:</b>	<b>Date:</b>
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<b>HR Recruitment Section informed regarding internal trawls:</b>	<b>Date:</b>
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<b>Signature:</b>	<b>Date:</b>
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**Please return the completed form to:**

**Education Authority, People Services Section, Human Resources Directorate, contact details on page 1.**