

# Shared Parental Leave Policy

## 1. Introduction

Shared Parental Leave (SPL) is a statutory right available to employees who are expecting a child to be born or placed for adoption (whether through birth, adoption, or surrogacy) on or after 5th April 2015. It provides the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child.

SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. This policy sets out the rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and may be eligible for statutory Shared Parental Pay (ShPP).

Throughout this document, where we use the terms “spouse” and “partner”, these refer to either same-sex or heterosexual relationships/partnerships.

## 2. Eligibility

SPL can only be used by two people:

- The mother/adopter and
- One of the following:
  - the father of the child (in the case of birth) or
  - the spouse, civil partner or partner of the child's mother/ adopter.

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

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave or statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;
- the employee must still be working for the University at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/date of matching;
- the employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks; (this figure is correct as of 2020 but may change annually)
- the employee must correctly notify the University of their entitlement and provide evidence as required.

### 3. Entitlement

Eligible employees may be entitled to take up to 50 weeks of SPL during the child's first year in their family. The number of weeks available is calculated by deducting the number of weeks' taken as maternity/adoption leave by the mother/adopter on their return to work or at the leave curtailment date (a specified future date when the mother/adopter has confirmed their maternity/adoption leave will end) from the mother's/adopter's entitlement to maternity/adoption leave of 52 weeks' leave. If the mother/adopter elects to reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see section 8, "Shared Parental Pay", below). The number of weeks' available as ShPP is calculated in the same way as for SPL except for the maximum number of weeks available is 39 weeks (based upon the statutory entitlements to maternity/adoption pay). Therefore the available weeks' of ShPP is calculated by deducting the number of weeks' of statutory maternity/adoption pay the mother has received on her return to work or at the leave curtailment date from 39 weeks'.

Any outstanding leave and pay can be allocated between the parents as they agree. One parent can take the full amount of SPL and ShPP if they choose to allocate the leave and pay in this way or the SPL and ShPP can be shared between the two parents.

SPL must be taken in blocks of at least a week but does not have to be taken as a single period of leave and parents/partners can elect to be on leave at the same time (either on maternity/adoption leave and SPL or both on SPL). SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

Where a mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.

The earliest a mother can take SPL is following the legally required two weeks of maternity leave immediately following the birth of the child, known as Compulsory Maternity Leave.

The earliest the adopter can take SPL is after taking at least two weeks of adoption leave.

The father/partner/spouse can take SPL immediately following the birth/placement of the child. However, a parent/partner who takes SPL in respect of a child before they have taken their statutory paternity leave entitlement will lose their entitlement to statutory paternity leave and pay. It should be noted that Shared Parental Leave is in addition to the right to Ordinary Childbirth Support Leave (formally known as Paternity Leave). Please see the separate [policy](#) for further details.

SPL will generally commence on the employee's chosen start date as specified in their request for SPL, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

There is no increase in SPL entitlement in the case of multiple births/placements.

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

## 4. Booking Shared Parental Leave

SPL cannot commence until the mother/adopter has either returned to work or given notice of the date her period of maternity/adoption leave will come to an end.

### 4.1 Bringing maternity/adoption leave to an end early

The first stage of opting in to SPL is for the mother to bring her maternity/adoption leave to an end by providing her employer with a "Curtailed Notice" stating when her maternity/adoption leave is to end. A minimum of 8 weeks' notice must be given to bring maternity/adoption leave to an end. Maternity leave cannot be brought to an end until after the two-week compulsory maternity leave period and must come to an end at least one week before the end of the additional maternity leave period.

The curtailment notice should be accompanied by a "Notice of Entitlement and Intention to take Shared Parental Leave" or a declaration that the other parent has given a notice of entitlement and intention to take Shared Parental Leave to their employer and that the mother/adopter has consented to the amount of leave that the other parent intends to take.

Maternity/adoption leave will come to an end on the date set out in the notice. The curtailment notice cannot normally be revoked once it has been given. However if the curtailment notice is given before a child's birth the mother can revoke the notice during the six weeks following the birth by giving notice in writing to their line manager and HR Partner/Adviser. In these circumstances the mother is entitled to access Shared Parental Leave at a later date by serving a second curtailment notice. A curtailment notice can also be revoked in the case where it later becomes apparent that neither the mother nor the other

parent/partner are in fact eligible for Shared Parental Leave or Shared Parental Pay or if the other parent/partner has died.

#### **4.2 Opting in to Shared Parental Leave**

At least 8 weeks before an employee intends to take their first period of SPL, a Notice of Entitlement and Intention to take Shared Parental Leave (see above) must be submitted in writing to the employee's line manager and HR Partner/Adviser.

This Notice should specify:

- the name of the employee;
- the name of the other parent/partner;
- the start and end dates of any maternity/adoption leave or pay, or maternity allowance, taken in respect of the child and the total amount of SPL available;
- the date on which the child is expected to be born and the actual date of birth or, in the case of an adopted child, the date on which the employee was notified of having been matched with the child and the date of placement for adoption;
- the amount of SPL the employee and their partner each intend to take;
- an indication of when the employee expects to take the leave.

This Notice must include or be accompanied by a signed declaration that:

- they meet, or will meet, the eligibility conditions and are entitled to take SPL;
- the information they have given is accurate;
- if they are 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;
- should they cease to be eligible they will immediately inform the University.

The employee must also provide the University with a signed declaration from their partner confirming:

- their name, address and national insurance number;
- that they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter;
- that they satisfy the 'employment and earnings test' (see section 2 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 that the employee intends to take;
- that they consent to the University processing the information contained in the declaration form; and
- (in the case where the partner is the mother/adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

The signed declaration should be sent to their Line Manager and HR Partner/Adviser.

The University may, within 14 days of receiving the Notification of Entitlement and Intention to take Shared Parental Leave request the following further documentation from the employee:

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

In order to be entitled to SPL, the employee must produce this information within 14 days of the University requesting it.

### **4.3 Requesting periods of Shared Parental Leave**

An employee has the right to submit up to three notifications specifying leave periods they are intending to take.

Each notification may contain a request for either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

At least 8 weeks' before the start of the period of SPL intending to be taken by an employee, a request for Shared Parental Leave notice must be given to the Line Manager. This notification can be given at the same time as the Notice of Entitlement and Intention to take Shared Parental Leave.

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

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

If leave is requested before a child's birth, the notice can ask for leave to start on or a specified number of days after the child's birth and finish on a date or a specified number of days after the child's birth.

More than one period of leave can be requested in the same notice.

## **5. Responding to requests for Shared Parental Leave**

Requests for SPL can be for either continuous leave or discontinuous leave.

### **5.1 Continuous Leave**

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

If a single period of leave is requested the employee is entitled to take the leave as requested, so long as it does not exceed the total number of weeks of SPL available to them (as specified in the notice of entitlement) and the University has been given at least eight weeks' notice.

Once a notification has been received by the employee's Line Manager and HR Partner/Adviser, it will be dealt with as soon as possible, but a response will be provided no later than 14 days after the leave request was made. All notifications for continuous leave will be confirmed formally in writing to the employee.

## **5.2 Discontinuous Leave**

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

If more than one period of leave is requested in the same notification, the University has 14 days in which to agree to the pattern of leave requested, refuse it or negotiate alternative dates.

If the pattern of leave can be agreed, the University will confirm the agreement of dates formally in writing.

If alternative dates are agreed between the University and the employee, then the employee can take the leave on those dates and will be formally notified of the amended dates in writing.

If alternative dates cannot be agreed, or the request is refused outright, the employee has the option to take all the SPL requested as a single period starting either on the start date of the first period of leave originally requested or on another date that the employee chooses (provided the employer has at least 8 weeks' notice of the new start date). The employee has five days from the end of the 14 days discussion period to notify the employer of the new start date.

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

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the University against any adverse impact to the business. Each request for discontinuous leave will be considered on a case-by-case basis and agreement to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Where there is concern over accommodating the notification, the University will seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the University where possible.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the University may propose a modified version of the request.

# **6. Variations to arranged Shared Parental Leave**

It is possible for an employee to vary or cancel an agreed and booked period of SPL Leave, provided that the University is advised in writing of the planned changes at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to change the start date, return to work early, or extend the period of leave by changing the end date will usually count as a new notification reducing the employee's right to book/vary leave by one. However, a change as a result of a child being born early, or as a result of the University requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the University.

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

## 7. Shared Parental Pay (ShPP)

Shared Parental Pay may be payable for some or all of the SPL period for eligible employees.

### 7.1 Statutory Shared Parental Pay

Eligible employees may be entitled to take up to 37 weeks of ShPP while taking SPL. The number of weeks available will depend on the amount of weeks by which the mother/adoption reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- the mother/adoption 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 in which ShPP is payable;
- the employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the rules set out above (see Section 5).

Where an employee is entitled to receive ShPP they must, at least eight weeks before receiving any ShPP, give their line manager and HR Partner/Adviser written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take Shared Parental Leave.

In addition to what must be included in the Notice of Entitlement to take Shared Parental Leave, any notice that advises of an entitlement for Shared Parental Pay must include:

- the start and end dates of any maternity/adoption pay or maternity allowance;
- the total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and an indication of when the employee expects to claim Shared Parental Pay;
- a signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the University should they cease to be eligible.

It must be accompanied by a signed declaration from the employee's partner confirming:

- their agreement to the employee claiming ShPP and for the University to process any ShPP payments 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 their partner should they cease to satisfy the eligibility conditions.

Any statutory Shared Parental Pay due will be paid at a rate set by the Government for the relevant tax year. For the tax year 2020-21, statutory Shared Parental Pay will be £151.20 per week or 90% of employee's average weekly earnings if this is lower.

## **7.2 Occupational Shared Parental Pay**

### **7.2.1 Eligibility for the University's Occupational Scheme**

Provided that an employee declares an intention to return to work at the end of a period of SPL, the employee will be entitled to benefit from the University's Occupational Scheme if they have been continuously employed with the University for at least 26 weeks continuing into the Qualifying Week/Matching Week (part weeks count as full weeks).

### **7.2.2 What does the Occupational Scheme provide?**

All employees who qualify for the Scheme, regardless of their staff category, grade and hours of work, are entitled to receive the following payment during their Shared Parental Leave:

- Full pay for the first 18 weeks of absence (inclusive of any weeks of maternity or adoption leave taken by the mother/primary adopter). The full pay element will be inclusive of ShPP, if eligible, followed by;
- Statutory Shared Parental Pay for the next 21 weeks of absence (inclusive of any weeks of maternity or adoption leave already taken by the mother/primary adopter and any Shared Parental Leave already taken by the mother/primary adopter or partner),
- Any further entitlement will be unpaid.

Occupational shared parental pay includes any statutory ShPP due for the weeks in question.



NB. ShPP can only be paid for a maximum of 37 weeks. The mother/principal adopter must take the first two weeks as maternity/adoption pay. The available weeks' of shared parental pay is calculated by deducting the number of weeks' of maternity/adoption pay the mother has received on her return to work or at the leave curtailment date from 39 weeks'. The balance can be taken by either parent.

### **7.3.3 Leaving the University after having received Occupational Shared Parental Pay**

If an employee decides not to return to work after a period of SPL, or returns to work after SPL and works less than three months (pro rata if hours are reduced following their return to work) before leaving, the employee will be required to repay the difference between Occupational Shared Parental Pay received and any Statutory Shared Parental Pay.

## **8. Terms of Employment during Shared Parental Leave**

All terms and conditions of employment (excluding those relating to payment of salary) will be preserved during SPL. This includes the accrual of annual leave (see below).

For members of one of the pension schemes offered by the University, contributions are maintained in full during the ShPP pay period. Employee contributions during this period are based on actual earnings and the University tops this up to the level of normal monthly pension contribution.

Pension contributions cease during any period of unpaid Shared Parental Leave and no service is accrued. Contributions are not payable on SPLiT days (see section 9.2 below) taken in any period of unpaid leave and therefore do not accrue service. On your return to work you have the option to pay contributions for the period of unpaid Shared Parental Leave based on the rate of pay that you would have received had you not been on Shared Parental Leave. If you decide to pay employee contributions for the period of unpaid leave, the University will also pay its employer contributions for the same period. Contributions can be deducted from salary as a one-off payment or over a reasonable agreed period. Should you wish to explore this, please contact the Pensions Office within 3 months of your formal return to work to discuss this further.

Periods of SPL do not affect continuity of employment. This means that periods of SPL will still count when calculating continuous employment for statutory rights.

### **8.1 Annual leave**

During periods of SPL annual leave entitlement continues to accrue in the normal way. Any public holidays or closure days which occur during a period of SPL are carried forward until the SPL ends. Annual leave entitlement should be managed in conjunction with the line manager to ensure that as far as possible

annual leave entitlement is taken in the year it is accrued. If a period of leave spans two leave years, the carrying over of leave into the next leave year will be permitted.

## 9. During your Shared Parental Leave

### 9.1 Communication during Shared Parental Leave

Although employees are likely to be focused on other things during SPL, the University recognises that it is important to keep employees up to date about what is happening within the University during their absence.

The employee and line manager are encouraged to maintain reasonable contact during periods of SPL.

### 9.2 Shared Parental Leave in Touch Days (SPLIT days)

An employee is not obliged to do any work or attend any work related events or meetings whilst on SPL. However, Shared Parental Leave in Touch Days (known as SPLIT days) allow employees to attend work for up to 20 days during their period of SPL (which may be either separate days or a single block) without losing any Shared Parental Pay or triggering the end of SPL. SPLIT days can be used to attend meetings, training sessions, or other events, or for the performance of your normal job duties. Appropriate childcare arrangements should be made during any SPLIT days.

The University has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the University and the employee. An employee taking a SPLIT day will receive full pay for any day/hours worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day/hours in question. Alternatively an employee may agree to take an equivalent number of days/hours as "time off in lieu". Payment will be made in the month following the SPLIT day, to allow for payroll processing using the appropriate payment form. Any SPLIT days worked do not extend the period of SPL.

## 10. Returning to work after a period of Shared Parental Leave

The employee will have been formally advised in writing by the University of the end date of any period of SPL as part of the booking process. The employee is expected to return to work on the next working day after this date, unless they notify the University otherwise. If they are unable to attend work due to sickness or injury, the University's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the University at least eight weeks' notice of their date of early

return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the University does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and Shared Parental Leave amounts to 26 weeks or less, he or she will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of Shared Parental Leave, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and Shared Parental Leave amounts to more than 26 weeks in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable. If the employee returns to work after 39 weeks' of leave, they would be entitled to return to the same job they held before commencing the last period of leave unless this is not reasonably practicable in which case to another job which is both suitable and appropriate and on terms and conditions no less favourable than the job they last held prior to commencing maternity/adoption/shared parental leave.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and Shared Parental Leave do not exceed 26 weeks.

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

The University will expect an employee to return to work on the notified date of return unless an employee has already resigned or is on a fixed-term contract that has already expired.

If an employee decides not to return to work after a period of SPL, written notice to terminate employment in accordance with their contract of employment must be given (please see section 8.2 above regarding Occupational Shared Parental Pay).

In all circumstances, employees should ensure that they keep in touch with their line manager and keep them fully informed of their intentions.

## **10.1 Workplace support**

The University is committed to supporting the successful return to work of individuals following an extended period of Shared Parental Leave.

Funding is available to all Schools and Departments or Functions to aid the successful transition back to the workplace for staff returning to work following an extended period of maternity, adoption or shared parental leave.

Staff are encouraged to discuss with their Line Manager either before they commence Shared Parental Leave or prior to their return, how these funds might best be used to help with the transition back to the workplace by providing an opportunity to update skills and knowledge, understand any changes that may have occurred in their role, department or field in order to assist a return to full productivity as soon as possible and at the same time enabling personal development in their role. Consideration will be given, for example, to requests for attendance at relevant training courses or conferences, relief from teaching for an additional period or any other support that may be identified by the member of staff or their Line Manager as potentially relevant. The funding will remain available for 12 months following the date of return to the workplace.

## 11. Misuse of the Policy

Where there is a suspicion that fraudulent information may have been provided or where the University has been informed by the HMRC that a fraudulent claim was made, the University will investigate the matter further in accordance with the University's Disciplinary Procedure, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010, the outcome of which could lead to dismissal.

Version Control:

Date of review	Details of any update	Reviewed by
7 October 2020	Update to statutory rate of pay.  Clarity on pension contributions clauses.	HSL