

Human Resources

Shared Parental Leave Policy and Procedure



1. Introduction

- 1.1. The School recognises that challenges can arise when parents have to balance work and childcare responsibilities. Shared Parental Leave (SPL) may support a family to balance work and childcare commitments as it allows parents to share up to 50 weeks of leave within a baby or child's first year following birth or adoption.
- 1.2. It is important that parents understand the choices available to them when planning for the birth or adoption of a child and this policy sets out the options available to employees who wish to take Shared Parental Leave. It also outlines the requirements and responsibilities of all parties where Shared Parental Leave is being discussed or taken.
- 1.3. All eligible employees are able to take SPL as outlined in this policy. Employees may also be entitled to receive Statutory Shared Parental Pay (ShPP) whilst they are taking SPL.
- 1.4. This policy applies to parents of children born/adopted on or after 5th April 2015 and sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).
- 1.5. A Process flowchart has been developed in order to provide additional/specific support with the Shared Parental Leave process.
- 1.6. Any policy or procedural questions may be raised with the relevant HR Support Partner.

2. Shared Parental Leave (SPL)

- 2.1. Shared Parental Leave (SPL) provides eligible parents with more options (beyond traditional maternity leave) when considering how to care for, and bond with, their new child. It allows parents to equally share the care of their child during the first year of birth or adoption. Using Shared Parental Leave, both parents can take leave at the same time or they may wish to alternate between periods of leave and periods of work.
- 2.2. The amount of SPL available depends on when the mother/adopter ends their maternity/adoption entitlements. Any remaining entitlement to maternity/adoption leave is converted into SPL and can be shared between the two eligible parents. The partner of the mother/adopter can take SPL whilst the mother/adopter is still on maternity or adoption leave

if they wish, providing the mother/adopter has given proper notice to end their entitlement to maternity or adoption leave.

- 2.3. Employees can request their SPL in continuous or discontinuous blocks; however, the School has the right to decline requests for discontinuous leave.
- 2.4. Employees can submit up to a maximum of 3 notifications (to state when and how they wish to take their leave).
- 2.5. Shared Parental Leave should not be confused with Unpaid Parental Leave or Paternity leave.
- 2.6. An employee considering taking SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible to discuss their potential entitlement, to talk about their plans and to enable the School to provide as much support as possible.

3. Statutory Shared Parental Pay (ShPP)

- 3.1. Eligible employees may be entitled to receive up to 37 weeks Statutory Shared Parental Pay (ShPP) whilst taking SPL, depending on how much maternity/adoption pay or maternity allowance the mother/adopter has already received at the point they choose to end their maternity/adoption entitlement (i.e. the remaining balance converts into an ShPP entitlement).
- 3.2. ShPP is paid at the statutory rate as set by the Government for the relevant tax year, or 90% of an employee's average weekly earnings if this is lower than the rate set by the Government.

4. Eligibility

- 4.1. Set criteria are in place to establish whether a parent is eligible for Shared Parental Leave and/or Shared Parental Pay. This section separately highlights the eligibility criteria for both Shared Parental Leave and Shared Parental Pay.
- 4.2. This policy applies to parents of children born/adopted on or after 5th April 2015.

4.3. Eligibility for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP)

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 parents 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:

Eligibility Criteria
The mother/adopter of the child must be entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements.
The employee must still be employed by the School at the start of each period of SPL.
The employee must have/have had a minimum of 26 weeks' continuous service at the end of the 15th week before the child's expected due date/matching date.
In the 66 weeks leading up to the child's expected due date/matching date, the employee's partner must have worked for at least 26 weeks and earned an average of at least £30 per week in any 13 of those weeks.
The employee must correctly notify the School of their entitlement and provide evidence as outlined in this policy.

4.4. Eligibility for Statutory Shared Parental Pay (ShPP)

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

Eligibility Criteria
The mother/adopter must be entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption pay period or maternity allowance period
The employee must intend to care for the child during the week(s) in which ShPP is payable
The employee must have/have had average weekly earnings, for the period of eight weeks leading up to and including the 15 th week before the child's expected due date/matching date, which are/were 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 below.

5. Shared Parental Leave (SPL) Allowance

- 5.1. Eligible employees may be entitled to take up to 50 weeks SPL during their child's first year.
- 5.2. The amount of SPL available is determined by the amount of unused maternity/adoption leave at the point the mother/adopter chooses to end their entitlement to it. The amount left over is converted into SPL which can be shared between both parents. Where both parents are entitled to SPL they can transfer the leave between them, should they wish to, at a later date. This can only be done with the consent of both parents and the School must be notified of any change to the number of weeks of SPL allocated to an employee as a result of transferring leave to or from their partner.
- 5.3. A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.
- 5.4. If the mother/adopter is not entitled to maternity/adoption leave but is still entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA) then providing they choose to end their entitlement before they have used the full 39-week allowance, their partner will still be entitled to take up to 50 weeks of SPL. This situation may arise, for example, if a mother resigns following birth or adoption. Their partner would receive up to 50 weeks of SPL, less the number of weeks of SMP, SAP or MA already taken by the mother/adopter.

6. Shared Parental Pay (ShPP) Allowance

- 6.1. The amount of ShPP an eligible employee will be able to take will depend on the amount of Statutory Maternity/Adoption Pay (SMP/SAP) or Maternity Allowance (MA) that the mother/adopter has already taken at the point that they have ended their entitlement. They will have had an entitlement of 39 weeks, so providing they have not used the full amount, any remaining weeks will be available as ShPP.
- 6.2. Where both parents are eligible for SPL and ShPP, then it is for them to decide (and notify their employers) on how the ShPP will be shared. The School must be notified of any change to the way parents wish to share the ShPP between each other.

7. Process For Applying For Shared Parental Leave (SPL) And Statutory Shared Parental Pay (ShPP)

7.1. Notifying an End to Maternity or Adoption Leave

7.1.1. The option for Shared Parental Leave is created when a mother or adopter either:

- Brings forward the end date of their maternity or adoption leave (i.e. reduces it to less than 52 weeks) or, in cases where they are not entitled to maternity/adoption leave;
- They bring forward the end date of their statutory maternity/adoption pay period (i.e. reduce it to less than 39 weeks).

7.1.2. This can be done by either:

- Returning to work
- Giving written notice to their employer to end their maternity or adoption leave on a specified date

7.1.3. Once a mother or adopter has done this, then they and their partner can declare an entitlement to Shared Parental Leave to their employers (assuming both are eligible).

7.1.4. If the mother or adopter is an employee of the School, they can give notice to end their maternity/adoption leave on the '**Form 1 - Notification to End Maternity/Adoption Leave Form**'.

7.2. Declaring an Entitlement to Shared Parental Leave/Shared Parental Pay

7.2.1. Employees must provide the School with a correct declaration of their entitlement and intention to take SPL (and Shared Parental Pay where applicable). This must be in writing using the 'Declaration of Entitlement to Shared Parental Leave form' and must be provided at least eight weeks before the employee intends to take SPL. Where both partners are employees of the School, both individuals must submit separate declarations. Employees should return this form to their line manager and send a copy to their HR department.

7.2.2. The declaration requires the employee to provide proposed dates of when they are considering taking their leave; however this is not automatically binding at this point and will not be treated as a request to book leave. Paragraph 7.4 outlines the process for employees who wish to request a period of Shared Parental Leave.

7.2.3. Upon receiving an employee's Declaration of Entitlement to take SPL, the line manager must ensure that their HR Partner/HR Support Partner has received a copy then aim to hold an early discussion with the employee around their leave intentions and how they wish to use their SPL entitlement.

- 7.2.4. Once the mother/adopter has given notice to end maternity/adoption leave and each parent has informed their employer of their entitlement to take SPL then the notice to end maternity leave is binding and can only be withdrawn in exceptional circumstances.
- 7.2.5. Whenever an employee wishes to change the amount of leave or pay they will use (e.g. as a result of transferring leave to or from their partner), the School must be notified via **Form 2 - Notification of Change of Shared Parental Leave (or Pay) Amount** form.

7.3. Requesting further evidence of eligibility

- 7.3.1. If the employee is not the mother or primary adoptive parent, the School may request:
- A copy of the birth certificate (or a copy of MATB1/declaration from the parents if the birth certificate is not yet available)
- Or in the case of adoption:
- the agency's name and address;
 - the date that the adopter was notified of being matched with the child;
 - the date on which the child is expected to be placed with the family;
- And,
- the name and address of the partner's employer (or, if they are self-employed, a declaration from the partner that there is no employer).

- 7.3.2. The School may also contact the employee's partner's HR department to confirm details of the entitlement or eligibility.

7.4. Requesting Shared Parental Leave

- 7.4.1. Providing they have already declared their entitlement (as per paragraph 7.2), employees can formally request a period of SPL by submitting a '**Form 3 - Request to Book (or Vary) Shared Parental Leave form**' to their line manager at least eight weeks before the date on which they wish their leave to start.
- 7.4.2. Employees have the right to submit up to three requests, specifying leave periods they wish to take. Each request may be for:
- a) A single continuous period of unbroken leave; or
 - b) Discontinuous leave, which is multiple periods of leave over a period of time where the employee intends to return to work between each period of leave.

- 7.4.3. SPL can only be taken in complete weeks but may begin on any day of the week. For example, if a week of SPL began on a Tuesday it would finish on a Monday.

8. Responding to a Request For Shared Parental Leave

- 8.1. Requests for Shared Parental Leave must be dealt with as soon as possible by line managers and a response must be provided in writing no later than 14 calendar days after the leave request is submitted. Managers should notify their HR Partner/HR Support Partner on receipt of an SPL request and again once they have made a decision. The HR Team will communicate the manager's final decision (approved or rejected) to the employee in writing.
- 8.2. An employee has an automatic right to take a continuous block of leave requested in a single notification, providing:
- It does not exceed the total number of SPL weeks available to them.
 - They have given at least 8 weeks' notice.
- 8.3. The School will consider all requests for discontinuous leave but has the right to refuse them. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.
- 8.4. Before a decision is made, line managers should consider whether an informal meeting is required to discuss a request as per the following guide:
- Where the notice is for a single period of continuous leave then a meeting may not be necessary especially if the request has already been discussed.
 - Where the request is for discontinuous leave which can, without further discussion, be approved then a meeting similarly may not be necessary.
 - Where the request is for discontinuous leave and there are concerns over accommodating the request, a meeting is necessary
- 8.5. A template letter – "Invite to Discuss Discontinuous SPL Request" is available for use by managers.
- 8.6. The purpose of any informal meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion should also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to the employee and the School, what

options are open to the employee (see paragraph below) and what the outcome may be if no agreement is reached.

- 8.7. Where a request for discontinuous leave is refused, the employee can either withdraw their request within 15 calendar days of submission or they can choose to take the leave in a single continuous block. Where the employee chooses to withdraw their request for discontinuous leave, this will not count as having used one of their three notices to book leave. Where the employee does not withdraw their request, they will be deemed to have chosen to take the leave in a single continuous block. Where this occurs the employee has until the 19th calendar day from the submission of the original notification to choose when their continuous leave will begin. It cannot start sooner than eight weeks from the date the original notification was submitted. If no start date is chosen, the leave will begin on the first leave date requested in the original notification.

9. Commencing Shared Parental Leave

- 9.1. SPL can commence as follows:
- A mother can take SPL after she has taken the compulsory two weeks of maternity leave immediately following the birth of the child.
 - An adopter can take SPL after taking at least two weeks adoption leave.
 - A father/partner/spouse can take SPL immediately following the birth/placement of the child, but must be aware that in doing so they are choosing to forego any right to take statutory paternity leave (as they will not have taken any at that point and can't take any at a later date).
- 9.2. When a mother/adopter has given notice to curtail their maternity/adoption entitlement then their partner can take Shared Parental Leave at the same time as them (i.e. while they are still using their maternity/adoption entitlements).
- 9.3. SPL will generally commence on the employee's chosen start date specified in their leave booking request, or in any subsequent variation notice (see paragraph 7.4 - "Requesting Shared Parental Leave" and Section 10 - "Variations to arranged Shared Parental Leave" below).
- 9.4. 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.

10. Variations to Arranged Shared Parental Leave

- 10.1. Employees are permitted to vary or cancel an arranged period of SPL, provided that they advise their line manager in writing at least eight weeks before the original leave date or the new leave date, whichever is earlier. A request to vary pre-agreed leave should be made using the "**Request to Book (or Vary) Shared Parental Leave**" form. Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 10.2. Any variation or notice of cancellation made by the employee (including notice to return to work early) will usually count as having used one of the employee's three opportunities to book/vary leave. However a change as a result of a child being born early or as a result of the School requesting a change (and the employee being agreeable to the change) will not count as one of the employee's three opportunities to book/vary leave.
- 10.3. Managers should consider any request to vary an existing period of SPL under the terms of Section 8 – Responding to a Request for Shared Parental Leave. Any agreed variation should be confirmed in writing and copied to the relevant HR Partner/HR Support Partner.

11. Terms and Conditions During Shared Parental Leave

- 11.1. During any period of SPL the contract of employment remains in force and employees are entitled to receive all normal contractual benefits, except for salary.
- 11.2. Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions during this time (i.e. any paid period) will be based on actual pay, while the School's contributions will continue to be based on the employee's full salary.

12. Annual Leave

- 12.1. SPL is granted in addition to an employee's annual leave entitlement. Employees are reminded that, wherever possible, annual leave should be taken in the year that it is accrued. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that, as far as possible, it is not untaken at the end of the School's leave year.

13. Contact During Shared Parental Leave

- 13.1. It is important that the School maintains reasonable contact with its employees and this is particularly relevant during longer term periods where employees are out of the workplace. Reasonable contact can allow

discussions to take place around return to work plans, to ensure employees are aware of any possible career opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

- 13.2. Therefore, before any period of SPL begins the line manager should discuss arrangements with the relevant employee around how contact will be maintained during their period(s) of leave.

14. Shared Parental Leave in Touch (Split) Days

- 14.1. An employee can agree to work for the School (or attend training) for up to 20 days over the course of their full SPL entitlement without bringing any period of SPL to an end or impacting on their right to claim ShPP for a particular week. These are known as Shared Parental Leave In Touch (SPLIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.
- 14.2. The School has no right to require employees to carry out any work nor is it under any obligation to offer the employee any work, during the employee's SPL however an employee and their manager may agree to use SPLIT days to effect a gradual return to work towards the end of a long period of SPL or to trial a possible flexible working pattern. Any work undertaken is a matter for agreement between the line manager and the employee. Employees will receive the normal hourly/salary rate for the hours worked on such days; inclusive of any ShPP they are receiving (i.e. Statutory Shared Parental Pay will be 'topped up' by salary to the level of normal pay).
- 14.3. Where both parents work for the School, each parent has their own individual entitlement to 20 SPLIT days.

15. Returning to Work after Shared Parental Leave

- 15.1. Employee's will have been advised in writing of the end date of any period of SPL and are expected to return on the next working day after this date, unless they notify the School otherwise. If they are unable to attend work due to sickness or injury, the School's normal arrangements for sickness absence will apply. In any other case, failure to return to work without prior authorisation will be treated as an unauthorised absence.
- 15.2. Where an 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 School at least eight weeks' notice of their date of early return. This will count as one of the 3 notifications that employees are allowed to

make. If they have already used their three notifications to book and/or vary leave (or they fail to provide 8 weeks' notice) then the School does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

- 15.3. An employee returning to work from a period of statutory leave (i.e. maternity/paternity/adoption leave or SPL) of less than 26 weeks will generally return to the job in which they were employed prior to the leave, on the terms and conditions that would have applied had they not been absent.
- 15.4. An employee returning from a period of continuous statutory leave exceeding 26 weeks is entitled to return either to the same job, or if this is not reasonably practicable (for example due to a unit restructure), to an equivalent job which would be considered suitable alternative work, on terms and conditions no less favourable than would have applied if the employee had not been absent.
- 15.5. On returning from a period of SPL, an employee may wish to consider applying for a change to their working hours/pattern. Employees considering this option should look at the School's Flexible Working Policy for further details.

16. Special Circumstances and Further Information

- 16.1. In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the School will abide by any statutory obligations and employees should clarify any issues or queries with their College/School Services HR Team.
- 16.2. Law relating to this document:
 - The Shared Parental Leave Regulations 2014
 - The Shared Parental Pay (General) Regulations 2014
 - The Maternity and Adoption Leave (Curtailed of Statutory Rights to Leave) Regulations 2014
 - Employment Rights Act 1996
 - Child and Families Act 2014
 - Equality Act 2010

Appendices

Application Process Flowchart

Form 1 - Notification to End Maternity/Adoption Leave

Form 2 – Declaration of Entitlement to Shared Parental Leave

Form 3 – Request to Book (or Vary) Shared Parental Leave

Template letter - Invite to Discuss Discontinuous SPL Request

Frequently Asked Questions (FAQs)

Shared Parental Leave Policy - Application Process Flowchart

