

Shared Parental Leave Policy

Purpose and Context

This policy describes the entitlement and eligibility of employees to shared parental leave and pay.

Scope

This policy applies to all University employees, full and part-time, permanent and fixed term who meet the eligibility requirements.

1 Introduction

1.1 Shared Parental Leave (SPL) is leave designed to give parents more flexibility to share the care for their child in the first year following birth or placement for adoption.

2 Eligibility

2.1 To be eligible for Shared Parental Leave (SPL) and Statutory Shared Parental Pay (ShPP) an employee must be one of the following:

- the birth parent or adopter
- the partner of the birth parent or adopter *

*(for the purposes of this policy a 'partner' is defined as a spouse, civil partner or someone living with the birth parent or adopter in an enduring family relationship inclusive of same-sex couples and applicable regardless of gender).

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

2.3 The employee must have been employed by the University for a minimum of 26 weeks' at the end of the 15th week before the child's expected due date or date notified of matching.

2.4 The birth parent or adopter of the child must be entitled to statutory maternity/adoption leave and pay or maternity allowance.

2.5 The employee must still be employed by the University in the week before the leave is to be taken.

2.6 Both parents must give the necessary statutory notices and declarations including notice to end any maternity/adoption leave and pay.

3. Requesting Further Evidence of Eligibility

3.1 The University may request;

- the name and business address of the partner's employer (or where the employee's partner has no employer a declaration to that effect);
- in the case of birth 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 adoption, a document issued by the adoption agency containing the name and address of the adoption agency, the date on which the adopter was

notified of having been matched with the child and the date on which the agency expects to place the child with the adopter.

3.2 This information may be requested within 14 days of the date on which the employee gives notice of an intention to take Shared Parental Leave:

3.3 The employee must produce this information within 14 days of the request.

4. Shared Parental Leave (SPL) Entitlement

4.1 If the employee is the birth parent, SPL cannot commence until after the compulsory maternity period, which lasts for two weeks after the birth. Where the employee is adopting either the employee or their partner must take at least two weeks Adoption Leave and/or pay.

4.2 Eligible employees are therefore entitled to share up to a maximum of 50 weeks' leave during the child's first year with the family. The amount of shared parental leave to which an individual is entitled will depend on when the birth parent or adopter brings their maternity leave/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child.

4.3 Shared parental leave commences immediately after the period of maternity/adoption leave ends or during the period of maternity/adoption leave if the birth parent or adopter has provided notice to end the maternity/adoption leave.

4.4 Leave will end no later than one year after the birth/placement of the child. Any leave not taken by this date will be lost.

4.5 Only one period of shared parental leave will be available irrespective of whether more than one child results from the pregnancy or is placed for adoption.

5. Shared Parental Pay (ShPP) Entitlement

5.1 Statutory Shared Parental Pay is payable to all employees who have been continuously employed with the University for at least 26 weeks at the qualifying week (this is the 15th week before the week in which the baby is due or the date notified of the child being matched for adoption) and have earned on average the equivalent of the lower earnings limit for National Insurance contributions on the 8 weeks up to and including the qualifying week.

5.2 Shared Parental Pay is paid at the statutory rate as set by the Government for the relevant tax year.

5.3 A total of 39 weeks' statutory maternity/adoption pay or maternity allowance is available to the birth parent or adopter. As there is a compulsory maternity/adoption leave period of two weeks this means that a mother who ends their maternity leave at the earliest opportunity could share up to 37 weeks' statutory shared parental pay with their partner. It is up to the parents as to who is paid the statutory shared parental pay and how it is apportioned between them.

6. Notification

- 6.1. Employees are advised to contact Human Resources as soon as is practicable to provide notification of entitlement and intention to take shared parental leave.
- 6.2. The first stage of the process requires the birth parent or adopter to give notice that they are ending their maternity/adoption leave early, this is known as a curtailment notice. This notice should be submitted at least 8 weeks before the maternity or adoption leave is due to end. The partner or secondary adopter can start Shared Parental Leave while the birth parent or primary adopter is still on maternity/adoption leave, adoption leave as long as the Maternity/Adoption Curtailment Notice has been submitted and confirmed within the correct time frame.
- 6.3. This notice can be submitted before or after the birth/placement. If submitted before the birth/placement, there is a six week window after the birth/placement during which the birth parent or primary adopter can change their mind and decide to remain on maternity/adoption leave or take Shared Parental Leave at a later date. If it is submitted after the birth/placement, the notice is binding and can only be revoked under exceptional circumstances. That is if maternity/adoption leave has not already ended and one of the following applies:
 - a) if neither parents are eligible for shared parental and pay by giving 8 weeks written notice; or
 - b) if the curtailment notice was given prior to the birth/placement by giving up to 6 weeks written notice after the birth/placement; or
 - c) if the other parent has died.
- 6.4. Employees wishing to commence shared parental leave and pay must then provide formal written notice to their manager, at least 8 weeks before the start date chosen for the first period of shared parental leave, by completing the Declaration of Entitlement to Shared Parental Leave and Pay Form. This may be submitted at the same time as the maternity/adoption curtailment notice.
- 6.5. A parent entitled to the two weeks' paternity leave will lose any untaken paternity leave if not taken prior to commencing Shared Parental Leave.
- 6.6. Each parent has to qualify separately to be able to apply for shared parental leave and pay.

7. Booking Shared Parental Leave Dates

- 7.1. Having provided the Declaration of Entitlement form to opt into the scheme, leave and pay must then be booked using the Request to Book (or vary) Shared Parental Leave form. This may be given at the same time as the Declaration of Entitlement to Shared Parental Leave and Pay form or at least 8 weeks before the start of the shared parental leave. This form provides an indication of start and end dates of any Shared Parental Leave that is to be requested. The Notice also requires confirmation of eligibility, entitlement and signed declaration and consent from partners.
- 7.2. Both parents can take shared parental leave and pay at the same time or they may wish to alternate between periods of leave and periods of work.
- 7.3. Shared Parental Leave can only be taken in complete weeks but may begin on any day of the week. For example if a week of Shared Parental Leave began on a Tuesday it would

finish on a Monday. Where an employee returns to work between periods of Shared Parental Leave, the next period of Shared Parental Leave can start on any day of the week.

- 7.4 Shared Parental Leave may be taken as a continuous period of leave or as discontinuous periods of leave, in multiples of complete weeks.

7.4.1 Continuous Shared Parental Leave

Continuous Shared Parental Leave is taken as a single unbroken period following the curtailment of maternity/adoption leave and will continue for the balance of what would have been maternity/adoption leave.

7.4.2 Discontinuous Shared Parental Leave

Discontinuous Shared Parental Leave is taken as multiple periods of leave following curtailment of maternity/adoption leave and where the employee intends to return to work between each period of leave up to the balance of what would have been maternity/adoption leave.

Requests for discontinuous periods of leave will be considered on a case by case basis by the line manager within two weeks' of receiving the request and will take into consideration the business needs of the school/service/department.

Notification of the outcome will be confirmed to the employee within five days following the two weeks' consideration period.

Where periods of discontinuous leave are declined the employee may withdraw the notice or elect to take leave in one continuous block starting no earlier than eight weeks' from the start of the notice.

8. **Variation of Shared Parental Leave Dates**

- 8.1 The start and end of a period of leave and pay can be cancelled or varied by notifying the HR department in writing at least 8 weeks before the start date or the end date previously notified in the Request to Book (or vary) Shared Parental Leave and Pay form.
- 8.2 Employees can make a total of 3 requests for variations to the leave and pay period, the first notice being the original notice provided in the Request to Book (or vary) Shared Parental Leave and Pay Form.
- 8.3 Notices which are withdrawn or varied as a result of the child being born or the child being placed earlier or later than expected will be disregarded.

9. **Keeping in Touch Days (SPLIT)**

- 9.1 Employees may carry out up to 20 days work (SPLIT days) during shared parental leave, however there is no requirement to do so.
- 9.2 SPLIT days are in addition to the 10 keeping-in-touch (KIT) days available to parents during maternity or adoption leave.
- 9.3 Where managers and individuals both agree that the employee is to attend the University during shared parental leave it must be for a specific work-related purpose e.g. training, or

a specific event and must be agreed in advance with the line manager. Employees are not required to take up SPLIT Days and they do not have to be offered.

- 9.4 Where SPLIT days are taken up normal rates of pay will apply. During paid shared parental leave period the difference between statutory shared parental pay and standard pay will be paid. During unpaid shared parental leave a normal day's pay will apply.
- 9.5 Attendance for a part day will count as one SPLIT Day.
- 9.6 Individuals and managers should complete the appropriate notification form, available from the HR Website and return it to the HR department.

10. Terms and Conditions of Employment

- 10.1 All normal terms and conditions, except salary, apply while on Shared Parental Leave.

11. Shared Parental Leave and Contractual Sick Pay

- 11.1 Normal rules for contractual sick pay apply for the sickness before the beginning of the Shared Parental Leave and will apply on return from Shared Parental Leave.

12. Annual Leave

- 12.1 Annual leave will continue to accrue during Shared Parental Leave. Annual leave may be taken at the end of the leave period with the agreement of the line manager. Normal rules of carry forward of leave apply.

13 Pension

- 13.1 Pension contributions will be deducted and pensionable service will continue to accrue whilst in receipt of pay.
- 13.2 For any unpaid period prior to return to work:
 - a) Employees who are members of the West Yorkshire Pension Fund or the University Superannuation Scheme may elect to pay pension contributions on this period of unpaid leave on their return to work. Contributions are based on the salary paid prior to any unpaid period of leave. The University will contact you on your return to work with details of how to do this.
 - b) Employees who are members of the Teachers' Pension Scheme cannot have their period of unpaid leave count towards their pension. Employees cannot elect to pay contributions but may wish to consider purchasing additional pension within the Scheme.

14. Return to Work

- 14.1 An employee is automatically expected to return at the end of the period of shared parental leave unless a notice to vary the end date has been provided to the HR department 8 weeks before the previously notified end date.

- 14.2 Employees returning to work during or at the end of an aggregated period of shared parental/maternity/adoption leave of no more than 26 weeks' are entitled to return to the same job on the same terms and conditions (for example salary, hours and the seniority of the job).
- 14.3 Employees taking more than an aggregated 26 weeks' leave are also entitled to return to the same job on the same terms and conditions. However, if that is not reasonably practicable the employee is entitled to return to a suitable job on terms and conditions which are no less favourable.
- 14.4 If an employee does not wish to return to work, normal contractual notice provisions will apply.

POLICY SIGN-OFF AND OWNERSHIP DETAILS	
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Compliance Checks:	HRG SMT regularly review to ensure compliance
Related Policies/Procedures:	Maternity Leave Policy Paternity Leave Policy Adoption Leave Policy Flexible Working Policy

REVISION HISTORY			
Version	Date	Revision description/Summary of changes	Author
V1.1	July 2019	Revisions to terminology following advice from Stonewall regarding LGBT inclusion and transference to new template.	Senior HR Officer (EDI)
V1.2	July 2021	Changes to layout and reformatting of numbered sections. Addition of evidence of eligibility section. (minor amends not requiring committee approval)	HR Manager