

## **Shared Parental Leave Policy**

### **1. Purpose**

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

### **2. Scope**

- 2.1. This policy applies to all University employees, full and part-time, permanent and temporary, subject to the continuous service requirements regarding eligibility.

### **3. Definition**

- 3.1. Shared parental leave is leave requested to enable a parent to look after a child or make arrangements for the care of the child following birth or placement for adoption.

### **4. Eligibility**

- 4.1. This policy applies to parents of children born/adopted on or after 5 April 2015.
- 4.2. To be eligible for shared parental leave an employee must be:
  - the mother/adopter or
  - the father of the child (in the case of birth) or
  - the spouse, of the mother/adopter
  - civil partner or partner of the child's mother
  - civil partner or partner of the child's adopter.
- 4.3. Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption. The employee must have been employed by the University for a minimum of 26 weeks' at the end of the 15<sup>th</sup> week before the child's expected due date/date notified of matching.
- 4.4. The mother/adopter of the child must be entitled to statutory maternity/adoption leave and pay and must have given notice to curtail any maternity/adoption entitlements before the full entitlement ends.

### **5. Leave Entitlement**

- 5.1. Shared parental leave provisions entitle an eligible employee to a maximum of 50 weeks' leave only if the mother/adopter has given the correct curtailment notice. (i.e. where the mother/adopter notifies their employer of the date they plan to cease their maternity/adoption leave and pay).
- 5.2. The curtailment date cannot fall within the compulsory 2 week maternity/adoption leave period which is the entitlement of the mother only.
- 5.3. Shared parental leave commences immediately after the period of maternity/adoption leave ends or during the period of maternity/adoption leave if the mother/adopter has provided notice to curtail the maternity/adoption leave.

- 5.4. Shared Parental Leave may be taken as a continuous period of leave or as discontinuous periods of leave, in multiples of complete weeks.
- 5.5. Continuous Shared Parental Leave is taken as one block period following the curtailment of maternity/adoption leave and will continue for the balance of what would have been maternity/adoption leave.
- 5.6. 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.
- 5.7. 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.
- 5.8. Notification of the outcome will be confirmed to the employee within five days following the two weeks' consideration period.
- 5.9. 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.
- 5.10. 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.
- 5.11. 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.
- 5.12. 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.
- 5.13. 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. Pay Entitlement**

- 6.1. 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 15<sup>th</sup> 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.
- 6.2. Shared Parental Pay is paid at the statutory rate as set by the Government for the relevant tax year.

## **7. Notification**

- 7.1. Employees are advised to contact their HR representative as soon as is practicable to provide notification of entitlement and intention to take shared parental leave.

- 7.2. The mother/adopter of the child must provide a written curtailment notice to end the maternity/adoption leave and pay at least 8 weeks before wishing to share parental leave and pay.
- 7.3. A curtailment notice is binding and can only be revoked 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.
- 7.4. Employees wishing to commence shared parental leave and pay must 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.
- 7.5. 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.
- 7.6. Each parent has to qualify separately to be able to apply for shared parental leave and pay.
- 7.7. 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.
- 7.8. 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.
- 7.9. 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.

## **8. Terms and Conditions of Employment**

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

## **9. Shared Parental Leave and Contractual Sick Pay**

- 9.1. 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.

## **10. Annual Leave**

- 10.1. 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.

## **11. Pension**

- 11.1. Pension contributions will be deducted and pensionable service will continue to accrue whilst in receipt of pay.
- 11.2. 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.

## **12. Return to Work**

- 12.1. 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.
- 12.2. 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). 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 reasonable practicable the employee is entitled to return to a suitable job on terms and conditions which are no less favourable.
- 12.3. If an employee does not wish to return to work, normal contractual notice provisions will apply.

## **13. Keeping in Touch Days (SPLIT)**

- 13.1. Employees may carry out up to 20 days work (SPLIT days) during shared parental leave, however there is no requirement to do so.
- 13.2. SPLIT days are in addition to the 10 keeping-in-touch (KIT) days available to parents during maternity or adoption leave.
- 13.3. 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.
- 13.4. 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.
- 13.5. Attendance for a part day will count as one SPLIT Day.
- 13.6. Individuals and managers should complete the appropriate notification form, available from the HR Website and return it to the HR department.