

# SHARED PARENTAL LEAVE POLICY

## 1. INTRODUCTION

Our Shared Parental Leave Policy is part of our suite of family friendly policies, which together are designed to recognise your family as well as your work commitments and to ensure a healthy work-life balance.

**This policy outlines the arrangements for Shared Parental Leave and pay in relation to the birth or adoption of a child. Shared Parental Leave is separate from Unpaid Parental Leave, which entitles employees to take up to 18 weeks off work to look after a child's welfare. Please refer to the Parental Leave policy for further information.**

This Shared Parental Leave Policy applies to all eligible employees who have or are about to have primary responsibility for either a newborn baby or a newly adopted child (either from the UK or abroad). It provides both parents with the opportunity to consider the best arrangement to care for their child during their child's first year.

The existing entitlements to 52 weeks' statutory maternity/adoption leave and two weeks' statutory paternity leave will remain in place and be the default position. Please refer to the Maternity, Adoption and Paternity policies for further information. However, under the new regulations the mother/primary adopter may cut short their maternity/adoption leave and share the remainder of their leave with the other parent as Shared Parental Leave (SPL).

Parents can choose how to use the remaining (shared parental) leave between them. SPL can be taken by each parent separately or at the same time.

Frequently used terms in this policy:

**Mother:** the woman who gives birth to a child

**Primary Adopter:** the person who is eligible for adoption leave and/or pay. They can be male or female.

**Child:** the child being cared for during the employee's shared parental leave. 'Child' can include 'children' in the case of multiple births (for example, twins or triplets) or more than one child adopted at the same time.

**Parent(s):** one of two people who will share the main responsibility for the child's upbringing (and who may be the mother, the primary adopter, or the partner of the mother/primary adopter).

**Partner:** the child's biological father or the partner of the mother/primary adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother/primary adopter and the child. The partner cannot be the sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew of the mother/primary adopter.

Note that the mother/primary adopter can share their leave with only **one** other person.

**Qualifying Week:** in the case of birth parents this is the fifteenth week before the EWC. In the case of adoptive parents, this is the week the adoption agency notifies you that you have been matched with a child for adoption.

**Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.

Eligibility for Shared Parental Leave (SPL) is explained in Section 1.1 of this policy.

You are welcome to arrange to speak with a member of the Human Resources team to discuss the policy and how you may benefit from it.

## 2. WHAT IS SHARED PARENTAL LEAVE?

Shared Parental Leave (SPL) is a form of leave available to eligible working parents following the birth/adoption of a child. It applies in respect of children who are expected to be born or placed for adoption on or after 5 April 2015.

SPL is created by the mother or primary adopter reducing maternity or adoption leave by ending it early, so that the remaining period of leave can be shared between two parents.

Where the mother/primary adopter gives notice to curtail their maternity/adoption entitlement, then their partner can use the remaining leave entitlement as shared parental leave at the same time as the mother/primary adopter is using their maternity/adoption entitlement.

Eligible working parents are able to take a maximum of 52 weeks leave in total on the birth/adoption of a child. SPL allows for up to 50 of the 52 weeks to be shared between both parents. Leave can be taken by both parents at the same time or separately. The leave can be taken all in one go or in separate blocks, although each period must be no less than one week.

The mother/primary adopter must still take a minimum of two weeks of maternity/adoption leave immediately following the birth of a child before SPL can commence.

## 3. ENTITLEMENT TO SHARED PARENTAL LEAVE

SPL can only be used by two people. Both of these people must share the main responsibility for the care of the child at the time of the birth/placement for adoption. Entitlement to SPL in relation to the birth/adoption of a child is available to:

- The mother/primary adopter.
- AND
- The partner of the mother/primary adopter (see definition in the introduction of this policy).

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

- The mother/primary adopter of the child must be/have been 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 working for University of Suffolk in the week before SPL is to be taken;
- The employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the Qualifying Week;
- The employee's partner must meet the 'employment and earnings test' requiring them to have worked (in an employed or self-employed capacity) in Great Britain for at least 26 weeks of the 66 weeks before the EWC/matching date (not necessarily consecutive weeks), and earned an average of at least £30 (this is correct as of 2015 but may change annually) a week in any 13 of those weeks;
- The mother/primary adopter and their partner must give the necessary statutory notices and declarations (including notice to end any maternity leave, statutory maternity pay (SMP) or maternity allowance (MA) periods or adoption leave and statutory adoption pay (SAP)), correctly notifying HR of their entitlement, providing evidence as required. They should do this using the [Shared Parental Leave Application Form](#).
- If you are the child's father or the mother/primary adopter's partner and you are entitled to statutory paternity leave and pay you should consider using your two weeks' paternity leave before taking SPL. Once you commence SPL you will lose any untaken paternity leave entitlement. Any SPL entitlement is additional to your paternity leave entitlement.

#### **4. WHAT IS STATUTORY SHARED PARENTAL PAY?**

Eligible employees may be entitled to Statutory Shared Parental Pay (ShPP) whilst taking SPL. A mother/primary adopter, subject to certain criteria, will be entitled to Statutory Maternity Pay/Adoption Pay/Maternity Allowance for up to 39 weeks. If the mother/primary adopter gives notice to reduce their entitlement before they will have received it for 39 weeks then any remaining weeks could become available as ShPP.

ShPP can only be claimed when the mother/primary adopter ends their entitlement to maternity or adoption pay or maternity allowance. However, if 38 weeks or more statutory maternity or adoption pay has already been taken then there is no entitlement to ShPP.

ShPP cannot begin before the birth or placement for adoption and must be taken by the day before the child's first birthday or the day before the anniversary of the placement of the adopted child.

#### **5. ENTITLEMENT TO STATUTORY SHARED PARENTAL PAY**

Entitlement to ShPP in relation to the birth or adoption of a child is dependent upon meeting the qualifying requirements for statutory shared parental leave (above); and the following:

- The mother/primary 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; and
- You must have earned not less than the Lower Earnings Limit in the relevant period; and
- You must intend to care for the child during the week in which ShPP is payable; and
- You and the other parent must give the necessary statutory notices and declarations as required for Statutory Shared Parental Pay, and must also correctly notify the University of their entitlement, providing evidence as required.

#### **6. ENTITLEMENT TO OCCUPATIONAL SHARED PARENTAL PAY (OShPP)**

Where possible, University of Suffolk will aim to provide parents who take shared parental leave the same level of salary benefit as parents who take maternity leave or adoption leave. Therefore, Occupational Shared Parental Pay (OShPP) will be granted as long as the employee has at least one year's service with University of Suffolk as at the week in which the baby is due or the child is placed for adoption.

OShPP is only paid if the employee is receiving ShPP for the same period and will be paid at the same time as ShPP becomes due. The maximum entitlement to pay received in any week is equivalent to the employee's normal full pay, made up of ShPP and the balance as OShPP.

OShPP will only be paid if the shared parental leave is taken in one block; it will not be paid if multiple periods are to be taken. Please note that the entitlement of up to a maximum of 37 weeks ShPP is to be shared between both parents for the whole period of shared parental leave and the employee must advise their employer when they wish to claim their entitlement to ShPP.

If both parents are employed by University of Suffolk normally only one parent will be eligible for OShPP, however it may be possible for the OShPP to be shared between both parents whilst they are in receipt of ShPP but only one block per parent i.e.

- If one parent takes a single block of ShPP and then the other parent a single block of ShPP:  
**or**
- If both parents take a single block of ShPP at the same time

The OShPP entitlement is set out below. For further details please contact your People Business Partner.

#### Weeks 1- 8 following birth/adoption of a child

Up to 8 weeks' full pay – comprising of Statutory Shared Parental Pay plus remainder as OShPP.

#### Weeks 9-24 following birth/adoption of a child

Up to 16 weeks' half pay - plus Statutory Shared Parental Pay (if and to the extent that full allowance of 37 weeks has not been previously used by both parents). Where OShPP and Statutory Shared Parental Pay are both payable, normal pay cannot be exceeded.

#### Weeks 25 onwards following birth/adoption of a child

Up to 13 weeks' ShPP only (if and to the extent that full allowance (37 weeks) has not previously been used by both parents)

## **7. OPTING INTO SHARED PARENTAL LEAVE AND PAY**

You must give us written notice by completing the Shared Parental Leave Notification form, giving not less than eight weeks' notice before the date you intend your SPL to start, with the following details:

- Your name and the name of the other parent.
- If you are the child's mother/primary adopter, the start and end dates of your maternity/adoption leave.
- If you are the mother/primary adopter's partner, the start and end dates of the mother/primary adopter's maternity/adoption leave, or if s/he is not entitled to maternity/adoption leave, the start and end dates of any SMP or MA or SAP period.
- The total SPL available, which is 52 weeks minus the number of weeks' maternity/adoption leave, SMP or MA or SAP period taken or to be taken.
- How many weeks of the available SPL will be allocated to you and how many to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation).
- If you are claiming statutory shared parental pay (ShPP), the total ShPP available (which is 39 weeks minus the number of weeks of the SMP or MA or SAP period taken or to be taken).
- How many weeks of the available ShPP will be allocated to you and how many to the other parent. (You can change the allocation by giving us a further written notice, and you do not have to use your full allocation).
- An indication of the pattern of leave you are thinking of taking, including suggested start and end dates for each period of leave. This indication will not be binding at this stage but please give as much information as you can about your future intentions to enable us to fully consider your request.
- Declarations by you and the other parent that you meet the statutory conditions for entitlement to SPL and ShPP. This must include a declaration by the mother/primary adopter that they will curtail their maternity/adoption leave and/or pay.

## 8. ENDING MATERNITY/ADOPTION LEAVE

If you are the child's mother/primary adopter and have commenced maternity/adoption leave, and you have not previously submitted a notice for SPL you must give us at least eight weeks' written notice using the Shared Parental Leave Notification Form to end your maternity/adoption leave before either parent can take SPL. The notice must state the date your maternity/adoption leave will end. In the case of birth, you can give the notice before or after you give birth, but you cannot end your maternity leave until at least two weeks after birth. In the case of adoption, you can give notice before or after adoption leave starts, but you must take at least two weeks of adoption leave.

At the same time as the notice to end maternity/adoption leave, you must also give us a notice to opt into the SPL scheme using the Shared Parental Leave Notification Form or a written declaration that the other parent has given his or her employer an opt-in notice and that you have given the necessary declarations in that notice.

The notice to end maternity/adoption leave is binding and cannot normally be revoked, however it is possible to revoke the notice if maternity/adoption leave has not yet ended and one of the following applies:

- (a) If you realise that neither you nor the other parent are in fact eligible for SPL or ShPP, you can revoke the notice to end maternity/adoption leave by advising us in writing up to eight weeks after it was given;
- (b) In the case of birth, if you gave notice to end maternity leave before giving birth, you can revoke the notice in writing up to eight weeks after it was given, or up to six weeks after birth, whichever is later; or
- (c) If the other parent has died.

If you are not the mother/primary adopter, you will only be able to take SPL once the mother/primary adopter has either:

- a) returned to work;
- b) given their employer notice to end maternity/adoption into leave and opt SPL; or
- c) given their employer notice to end SMP (if she is entitled to SMP but not maternity leave; or
- d) given notice to the benefits office to end her MA (if she is not entitled to maternity leave or SMP); or
- e) given their employer notice to end Statutory Adoption Pay (SAP).

### Evidence of Entitlement

You must also provide on request:

- a) A copy of the birth certificate (or if you have not yet obtained a birth certificate, a signed declaration of the child's date and place of birth); or
- b) One or more documents from the adoption agency showing the agency's name and address and the expected placement date;

### AND

- c) The name and address of the other parent's employer (or a declaration that they have no employer).

## 9. CONTINUOUS AND DISCONTINUOUS SHARED PARENTAL LEAVE

Each notification of the intention to take parental leave ('a booking notice') should be submitted via the Shared Parental Leave Notification Form and may notify a single, continuous block of leave or request discontinuous periods of leave. The minimum period of leave (and pay, where ShPP is also applied for) is one week.

If your booking notice gives dates for a single continuous block of SPL, you will be entitled to take the leave set out in the notice as this cannot be refused by your employer.

You can submit up to three booking notices in order to book leave or to vary a previously agreed pattern of leave via the Shared Parental Leave Notification Form. Eight weeks' notice must be given for each period of leave.

Notice can be given to end a period of leave earlier or later than previously notified, or to aggregate a number of discontinuous weeks in a single block. This 'variation notice' must be given at least eight weeks before the variation occurs.

A variation notice counts towards the total maximum allowable number of three notifications, unless it is withdrawn prior to the end of the discussion (see below).

## 10. PROCEDURE FOR REQUESTING SHARED PARENTAL LEAVE

In general, a booking notice should set out a single continuous block of leave.

The employee must submit a booking notice setting out the requested pattern of leave at least eight weeks before the requested start date via the Shared Parental Leave Notification Form.

Provided the employee submits no more than three separate booking notices; and requests a single block of continuous leave in each booking notice, giving eight weeks' notice of each period of leave, then the employer must agree to these periods of leave.

We may, in some cases, be willing to consider a single booking notice where the SPL is split into shorter discontinuous periods (of at least a week) with periods of work in between. It is best to discuss this with your manager and/or POD in advance of submitting any formal period of leave notices. This will give us more time to consider the request and hopefully agree a pattern of leave with you from the start.

If we are unable to agree to a request for discontinuous blocks of leave straight away, there will be a two-week discussion period. We may arrange a meeting with you, your line manager and your People Business Partner to discuss your request during this period. You may be accompanied to this meeting by a work colleague or recognised trade union representative. At the end of that period, we will confirm any agreed arrangements in writing. If we have not reached an agreement, you will be entitled to take the full amount of requested SPL as one continuous block starting on the start date given in your notice or you may submit a new request. For clarification possible outcomes may be:

- unconditional acceptance of your notice for SPL
- modification of your request for discontinued SPL and written confirmation
- refusal of discontinued SPL so return to default position

Alternatively, you may:

- choose a new start date (which must be at least eight weeks after your original period of leave notice was given), and tell us within five days of the end of the two-week discussion period; or
- withdraw your period of leave notice within two days of the end of the two-week discussion period (in which case it will not be counted and you may submit a new one if you choose).

## **11. CHANGING THE DATES OR CANCELLING YOUR SHARED PARENTAL LEAVE**

You can cancel a period of leave by notifying us in writing at least eight weeks before the start date in the period of leave notice.

You can change the dates for a period of leave by giving us at least eight weeks' notice before the original start date and the new start date.

You do not need to give eight weeks' notice if you are changing the dates of your SPL because your child has been born earlier than the Expected Week of Confinement (EWC) and where you wanted to start your SPL a certain length of time (but not more than eight weeks) after birth. In such cases please notify us in writing of the change as soon as you can.

If you want to extend your SPL you must submit a new period of leave notice at least eight weeks before the date you were due to return to work, assuming you still have SPL entitlement remaining and have not already submitted three periods of leave notices. If you are unable to request more SPL you may be able to request annual leave or ordinary parental leave, which will be subject to business need.

A notice to cancel or change a period of leave will count as one of your three periods of leave notices, unless:

- the variation is a result of your child being born earlier or later than the EWC;
- the variation is at our request; or
- we agree otherwise.

## **12. OTHER EMPLOYMENT TERMS DURING SHARED PARENTAL LEAVE**

Your terms and conditions of employment remain in force during SPL, except for the terms relating to pay.

Annual leave entitlement continues to accrue during any periods that you are taking SPL but is subject to University of Suffolk rules for carrying forward annual leave from one leave year to the next. Therefore, when planning your leave, you will need to take account of this. Please discuss your holiday plans with your manager in good time before starting SPL. All holiday dates are subject to approval by your manager.

## **13. PENSION CONTRIBUTIONS DURING SHARED PARENTAL LEAVE**

For employees on Shared Parental Leave who are members of either the Universities Superannuation Scheme (USS) or the Local Government Pension Scheme (LGPS) attention is drawn to the following contribution rate arrangements:

- During the statutory shared parental pay, the employee's own pension contributions will be based on the pay he or she actually receives.
- During any period of unpaid shared parental leave the employee will have the option of contributing to the scheme, in which case his or her contributions will be based on normal contractual salary.
- In respect of the statutory shared parental pay period, and in respect of any unpaid period (subject to the employee choosing to continue to pay employee's contributions), the University will continue to pay employer's contributions to the pension scheme on the basis of the employee's normal contractual pay.

The rules governing contributions are made by the pension scheme(s) and will be applied as appropriate. Members of pension schemes should please discuss the detailed arrangements in respect of their pension contributions during shared parental leave with the HR Dept as soon as possible before they begin their shared parental leave.

## **14. KEEPING IN TOUCH**

We may make reasonable contact with you from time to time during your SPL although we will keep this to a minimum. This may include contacting you to discuss arrangements for your return to work.

You may ask or be asked to work (including attending training) on up to 20 "shared parental leave in touch" days (SPLIT days) during your SPL. The employer has no right to demand that any such SPLIT work is undertaken and the employee has no right to expect to undertake such work. However such days will be for an agreed and specific purpose related to work. This is in addition to any KIT days that the mother/primary adopter may have taken during maternity/adoption leave. KIT days are also not compulsory and must be discussed and agreed with your line manager.

You will be paid your normal contractual pay for time spent working on a KIT or SPLIT day according to the hours you actually work on that day and this will be inclusive of any shared parental pay entitlement. Hours worked must be claimed on an additional hours claim form, authorised by the line manager and submitted to POD for payment on the next pay date.

## **15. RETURNING TO WORK**

Employees returning from any combination of relevant statutory leave that includes Shared Parental Leave and any of Maternity, Paternity or Adoption Leave will be entitled to return to the same job if the leave totals 26 weeks or less in aggregate. Periods of Unpaid Shared Parental Leave of more than four weeks will be excluded from this calculation.

Employees returning from any combination of relevant statutory leave that includes Shared Parental Leave and any of Maternity, Paternity or Adoption Leave will be entitled to return to the same job or, if it is not reasonably practicable for the employer to permit the employee to that job, to another job which is both suitable and appropriate for the employee, if the leave totals more than 26 weeks in aggregate. Periods of unpaid shared parental leave of more than four weeks will be excluded from this calculation.

If you want to end a period of SPL early, you must give us eight weeks' prior notice of the return date in writing.

If you want to change your hours or other working arrangements on return from SPL, you are required to make a request under the Flexible Working Policy. It is helpful if such requests are made as early as possible.

If you decide you do not want to return to work, you should give notice of resignation in accordance with your contract.