

# Shared parental leave policy

Introduced in response to legislation, with effect from 1 December 2014

Updated November 2016 following agreement with UNISON (July 2016) to pay shared parental leave at a rate equivalent to Occupational maternity/adoption pay; terminology also updated

January 2019: Reviewed; no amendments needed

April 2019: updated to ensure inclusive and gender neutral

July 2019: reviewed by Stonewall and some clarifications added

June 2021: Added Section 16

July 2021: Policy updates agreed with our recognised trade unions

June 2022: Updated to improve gender neutrality and inclusivity and to reflect the full spectrum of identities

July 2022: updates approved by SLT

October 2023: Terminology updated to be more inclusive

October 2023: SLT approved changes implemented to increase maternity and adoption pay

# Shared parental leave

## 1. What is shared parental leave?

- 1.1. Shared parental leave enables working birth/first parents<sup>1</sup> to share leave in the year after their child's birth/adoption and take this leave in a flexible way.
- 1.2. Following the two weeks of compulsory maternity leave after birth or the first two weeks of adoption leave, an eligible parent (see Section 2) can choose to bring their maternity/adoption leave to an end early and convert the untaken weeks of maternity/adoption leave into shared parental leave (up to a maximum of 50 weeks) which they and their partner can take as shared parental leave.
- 1.3. Shared parental leave must be taken during the first year following the child(ren)'s birth or placement for adoption. It can be continuous or discontinuous (interspersed with periods at work); can be taken in blocks of one working week<sup>2</sup> or more; and a maximum of three separate periods of parental leave can be taken (see Section 6).
- 1.4. Leave can be taken consecutively or concurrently by the birth/first parents.
- 1.5. This policy applies to all members of staff, regardless of their gender or the gender of their partner, is inclusive of couples, regardless of gender, and is intended to be gender neutral.

## 2. Eligibility for shared parental leave (SPL)

- 2.1. To qualify for shared parental leave, a member of staff or their partner<sup>3</sup> must be entitled to statutory maternity or adoption leave and have given notice that they wish to curtail their maternity/adoption leave. For their partner to qualify for shared parental leave, the parent taking maternity leave or adoption leave must be entitled to statutory maternity/adoption pay; maternity allowance; or statutory maternity leave and have curtailed that pay/allowance/leave. The birth/first parent taking maternity leave or adoption leave must also share the main responsibility for the care of the child that the shared parental leave and pay relates to, with the other parent (i.e. their partner or the child's other parent), at the date of the child's birth or placement for adoption.
- 2.2. One of the birth/first parents must also have been continuously employed by the University for 26 weeks up to and including the

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<sup>1</sup> This includes parents, regardless of gender, and is intended to be gender neutral and inclusive

<sup>2</sup> One week or the relevant proportion of a week if the employee works part time.

<sup>3</sup> This includes parents, regardless of gender, and is intended to be gender neutral and inclusive

15th week before the week in which their baby is due to be born<sup>4</sup> or they receive notice of adoption, and still be employed by the university in the week before any shared parental leave is due to start (the 'continuity of employment test');

**2.3.** Staff are advised to check whether they are eligible for shared parental leave and/or pay and complete the declaration form. They also need to provide a declaration from their partner that they meet the 'employment and earnings test' and provide their partner's consent to them taking shared parental leave and/or pay.

### **3. Eligibility for shared parental pay (ShPP)**

**3.1.** For the birth/first parent taking maternity or adoption leave to qualify for ShPP, they must be entitled to statutory maternity/adoption leave and must have given notice that they wish to end their maternity/adoption leave.

**3.2.** For their partner to qualify for shared parental pay, the birth/first parent taking maternity/adoption leave must be entitled to statutory maternity or adoption pay/maternity allowance/statutory maternity or adoption leave and have curtailed that pay/allowance/leave. The partner must also meet an "employment and earnings test" i.e. have been an employed or self-employed earner in Great Britain for a total of 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due to be born or placed and to have earned an average of £30 a week in 13 of those weeks (not necessarily continuously).

### **4. How much is Shared Parental Pay (ShPP pay)?**

#### **4.1 Statutory Shared Parental Pay**

If the provisions set out in 3.1 and 3.2 are met, the member of staff's entitlement to ShPP is calculated based on how many (chronological) weeks of maternity or adoption pay or maternity allowance (up to a maximum of 37 statutory weeks) have not already been taken, from the amount they are entitled to take, by their partner (after the compulsory two week maternity leave period in maternity cases) at the point that their maternity or adoption leave ends. These untaken weeks will become available as shared parental pay, paid at the rate equivalent to that which would have been received under this policy by the parent who has curtailed their maternity/adoption leave. Staff can calculate their statutory entitlements using the [Government tool](#). Staff are advised to check their entitlements with HR before requesting Shared Parental leave.

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<sup>4</sup> Including a parental order parent in a surrogacy arrangement

## **4.2 Occupational Shared Parental Pay**

If the provisions set out in 3.1 and 3.2 are met, the member of staff's entitlement to occupational ShPP is calculated based on how many (chronological) weeks of their maternity or adoption pay (up to a maximum of 50 occupational weeks if the member of staff is entitled to occupational maternity pay) have not already been taken from the total amount they are entitled to take.

## **4.3 If employment ends part-way through ShPP**

If the member of staff's employment ends before statutory ShPP starts, they will not be entitled to that pay. If the member of staff starts to take statutory ShPP and their employment ends, the member of staff will receive any remaining statutory ShPP that they are entitled to.

## **5. Ending maternity or adoption leave and opting into shared parental leave**

**5.1.** Shared parental leave is created when an eligible parent chooses to bring their maternity/adoption leave to an early end. The untaken weeks of maternity/adoption leave can then be taken as shared parental leave (up to a maximum of 50 weeks) if the parent or their partner is eligible for this (see Section 2).

**5.2.** If a member of staff wishes to convert their maternity/adoption leave to shared parental leave they must complete a declaration form to give their line manager 8 weeks' notice of this intention and their planned return to work. This notice must be given at least 9 weeks before their 52 weeks<sup>5</sup> of maternity/adoption leave is due to end. On this declaration they can also provide their line manager with a notice of their intention to take shared parental leave and shared parental pay.

**5.3.** Once a period of maternity/adoption leave has ended, it cannot recommence.

**5.4.** The number of weeks of maternity/adoption pay or maternity/adoption allowance taken for the purpose of statutory shared parental pay is determined based on the date on which the parent ends their maternity/adoption leave and the remaining total entitlement.

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<sup>5</sup> This might be longer for staff who qualify for 52 weeks leave following the birth.

5.5. The other parent may take shared parental leave before the maternity/adoption leave ends, as long as notice of curtailment of maternity/adoption leave has been given.

## 6. **Withdrawing a notice to curtail maternity or adoption leave before returning to work**

6.1. A member of staff can withdraw their notice to curtail their maternity/adoption leave if they have not yet returned to work; if the curtailment date has not passed; and if one of the following circumstances apply:

- It is established in the 8 weeks following the notice that neither parent has any entitlement to shared parental leave or pay;
- The member of staff's partner dies; or
- The notice was given before the birth of the child and the parent taking maternity leave revokes their maternity leave curtailment notice in the six weeks following the birth. (Shared parental leave can be considered at a later date through a new notice).

6.2. If the parent taking maternity/adoption leave withdraws their notice to end their maternity/adoption leave they remain on maternity/adoption leave and their entitlement to maternity/adoption leave is restored to a total of 52 weeks<sup>6</sup>.

6.3. If the member of staff claims maternity allowance from Jobcentre Plus, they must tell Jobcentre Plus that their maternity allowance period is to end. The maternity pay or allowance period will end on the last day of the pay week in which the notice is given.

## 7. **Requesting shared parental leave**

7.1. Eligible staff may request a pattern of continuous or discontinuous leave by completing a '[Shared Parental leave employee notice and declaration' form](#). More than one period of leave can be listed in the same or separate notification(s). Staff must give their manager at least 8 weeks' notice and take the shared parental leave within one year of the birth or adoption. Staff are advised to check their entitlements with HR before requesting Shared Parental leave.

7.2. A member of staff can submit a maximum of three notices to book leave or to vary a previously agreed pattern of leave.

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<sup>6</sup> This could be longer for staff who qualify for 52 weeks following the birth.

**7.3.** Statutory shared parental pay will take effect when an eligible parent chooses to bring their maternity/adoption pay or maternity allowance to an end early (Section 3 refers).

**7.4.** Shared parental leave is additional to any paternity leave entitlement. Paternity leave should be taken before any shared parental leave is taken.

**7.5.** Members of staff can notify us separately about shared parental pay; the same 8 weeks' notice period applies.

## **8. Considering requests for shared parental leave**

**8.1.** When a member of staff requests one continuous period of leave, i.e. once the leave has completed, they will return to work and not request further leave, this must be granted by the employer

**8.2.** When a member of staff requests discontinuous periods of leave, the line manager should consider the request and within a 2 week discussion period and either:

- agree the leave requested;
- propose alternative dates for the period of leave; or
- refuse a leave request without proposing alternatives dates.

**8.3.** If a leave notification is refused and a manager does not agree any other pattern with the member of staff, the member of staff can withdraw their notification and opt to take the total amount of leave requested as a continuous period of leave, starting on a date specified by them (not less than 8 weeks from the date the original notice was received). The member of staff has 5 days after the end of the two-week discussion period in which to specify the date they will start their leave. If no date is specified, the leave will begin on the start date of the first period of discontinuous leave that they originally requested.

**8.4.** If the member of staff has given notice of discontinuous weeks of leave, they can withdraw their booking notice in the 2 weeks after the booking notice is given (on or before the 15th day), unless agreement has already been reached.

## **9. Changes to shared parental leave arrangements**

**9.1.** Leave arrangements that have already been notified can be changed by the member of staff giving their manager a variation notice (8 weeks' notice is required). Such changes might include changing dates; or aggregating discontinuous periods into a continuous period. A notice to vary agreed leave counts towards the maximum of three notices (section 6.1 refers).

**9.2.** Requests can be withdrawn e.g. if the member of staff's partner's request is turned down.

## **10. Early birth**

**10.1** If a child is born before their expected due date and the employee had booked to take SPL within the first 8 weeks of the due date, they may take the same period of time off after the actual birth without having to provide 8 weeks' notice, by submitting a notice to vary their leave as soon as is reasonably practicable. Unlike most other variation notices, this would not count as one of the employee's three notifications.

**10.2** If a member of staff wishes to vary any leave arranged after the first eight weeks of the due date, they will need to provide 8 weeks' notice.

**10.3** If a child is born more than 8 weeks before the due date and the notice of entitlement to SPL and/or a notice to book SPL have not yet been given, the member of staff should give notice as soon as is reasonably practicable after the actual birth (8 weeks' notice is not required).

## **11. General conditions**

### **11.1. Annual leave**

11.1.1. Normal contractual holiday entitlement will continue to accrue throughout shared parental leave. In addition, members of staff taking shared parental leave are entitled to accrue a day off in lieu of any bank holidays and fixed university closure days which fall during their shared parental leave. In the case of fractional staff, this applies to bank holidays and fixed university closure days which fall on the days on which they would have worked, had they not been on shared parental leave.

11.1.2. If they wish to do so, members of staff may request to take any annual leave which they will accrue during their shared parental leave before commencing shared parental leave. Alternatively, they may take their remaining contractual annual leave immediately prior to their return to work, or after their return to work. Contractual annual leave must normally be taken within the leave year to which it applies but consideration can be given to carrying over annual leave if for example shared parental leave commences close to the end of an annual leave year. If any leave is carried over, it should be used immediately following shared parental leave. If

the member of staff does not return to work following shared parental leave, payment in lieu of untaken annual leave will be made to the member of staff. If the member of staff's employment ends during a period of shared parental leave and they have, at that date, taken more annual leave than they have accrued, the University may recover any over payments made to the member of staff in respect of this.

## **11.2. Continuation of the contract of employment**

- 11.2.1. Shared parental leave counts as continuous employment and will not affect the member of staff's continuous service with the university.
- 11.2.2. Apart from basic remuneration, all terms of the contract of employment continue throughout shared parental leave. Staff will therefore be entitled to receive an annual increment (where applicable) on their salary scale, in accordance with the terms of their contract of employment.

## **11.3. Pensions**

### **11.3.1. Local Government Pension Scheme (LGPS)**

Deductions in respect of the Local Government Pension Scheme are made until such time as a period of unpaid shared parental leave commences. The period of reduced pay counts as full pensionable service. Members of staff have the option of electing to backdate contributions to cover the period of unpaid shared parental leave (with the university paying the employer's contribution). Such an election must be made within 30 days of returning to work.

### **11.3.2. Teachers' Pension Scheme**

Deductions in respect of the Teachers' Pension Scheme are made until such time as a period of unpaid shared parental leave commences. Periods of unpaid shared parental leave do not count as pensionable service under this scheme. Staff have the option of purchasing additional pension to replace periods of non-pensionable service.

## **11.4. Contact during shared parental leave**

- 11.4.1. Managers are entitled to make reasonable contact with a member of staff whilst they are on shared parental leave.



They may wish to make contact with a member of staff who is on shared parental leave to discuss a range of issues, for example their plans for returning to work, or to keep them informed of important developments at the workplace, including relevant promotion opportunities or job vacancies that arise during their shared parental leave.

## **11.5. Shared parental leave in touch days (SPLIT)**

- 11.5.1. Up to 20 optional 'shared parental leave in touch' days (SPLIT) are available to each parent during shared parental leave to give them the chance to go to work, to undertake training and keep in touch without bringing their shared parental leave to an end. The member of staff and their manager are advised to agree in advance what work is to be done, whether it will be paid and, if so, how much the member of staff will be paid for it. 'SPLIT' days are optional and there will therefore be no obligation on either the employer or the member of staff to make use of these days. SPLIT days are separate to the 10 KIT days which are available to staff who are on maternity/adoption leave.

## **12. Terms and conditions on returning to work following shared parental leave**

### **12.1 Terms and conditions**

Members of staff who return to work after taking 26 or less weeks shared parental leave are entitled to return to the job in which they were employed under their original contract of employment and on terms and conditions which are not less favourable than those which would have been applicable to them if they had not been on leave. For this purpose, 'job' means the nature of the work which they were employed to do and the capacity and the place in which they were so employed. Members of staff who return to work after taking more than 26 weeks shared parental leave are entitled to return to the same job on the same terms and conditions of employment, unless there is a reason why it is not practicable for them to return to their old job, in which case they should be offered a suitable similar job on terms and conditions which are not less favourable than their original job.

### **12.2 Return to work on reduced working hours**

If a member of staff wishes to return to work on a part time basis, they should make this request in accordance with our Flexible Working policy and procedure. If a member of staff does not

consider that they meet the criteria detailed in the Flexible Working policy, they may put a request to return to work on a part-time basis in writing to the head/director and are advised to do so at least 8 weeks before the date on which they intend to return to work. The member of staff should set out in writing the pattern of hours/days which they wish to work and how, in their view, it could be accommodated within the needs of the school/department.

The head/director (or their nominated deputy) will consider any request to alter working hours carefully, objectively and sensitively. Requests to return to work on reduced hours will be dealt with expeditiously in line with the timescales provided in the [Flexible Working Policy](#) and the head/director (or their nominated deputy) will make every effort to arrive at a mutually suitable arrangement but this may take up to 8 weeks from the date of the request to finalise such an arrangement, particularly if they require external recruitment. Members of staff should bear this in mind when submitting such requests.

If the school/department would suffer serious operational difficulties if a member of staff were to return to work on reduced working hours, the head/director (or their nominated deputy) will make every effort to find the member of staff alternative part time work if this is possible.

It is at the head/director's discretion whether to agree, at the time of return to work, that the member of staff's part-time working will be reviewed after a determined period of time, with a view to establishing whether the member of staff wishes to return to full-time work after the review period or wishes to remain part-time on a continuing basis. If the head/director (or their nominated deputy) is unable, at the time of the member of staff's return to work, to agree to such a review but agrees to the request to work part-time, they will discuss this with the member of staff and the member of staff will be advised that they will need to reduce their hours of work to part-time on an indefinite basis. However, this reduction in hours will not prevent them from applying to work additional hours in the future, where such hours are available.

### **12.3 Right to improvements to terms and conditions on return to work**

A member of staff returning to work after shared parental leave is entitled to benefit from any general improvements to their rate of pay or other terms and conditions introduced during their absence, as though they had not been on maternity leave (including incremental progression, cost of living increases etc.)

## 13. Redundancy

### 13.1 Consultation

If a member of staff who is on shared parental leave is potentially at risk of redundancy, the head/director (or their nominated deputy) should contact the member of staff in person in order to outline the proposals to them and inform them that they are potentially at risk of redundancy. A copy of the proposals should then be sent to the member of staff together with details of any group consultation meetings and an invitation to attend these meetings. The member of staff should be offered the opportunity to meet with or speak with a relevant manager on a one to one basis during the consultation process. Advice may be sought from Human Resources in such cases.

## 14. Offer of suitable alternative post

**14.1.** If the member of staff is selected for redundancy following consultation and they are currently taking a period of shared parental leave, they are entitled to be offered a suitable alternative vacancy (where one is available) to start immediately after their existing employment ends. The alternative post must be suitable in relation to the employee and appropriate for the employee to do in the circumstances. The capacity and place in which they are to be employed and the other terms and conditions of employment must not be substantially less favourable to them than if they had continued to be employed in their old job. A member of staff who is currently taking a period of shared parental leave is entitled to be offered a suitable alternative post in preference to any other member of staff who is similarly affected by the redundancy situation but is not currently taking shared parental leave; maternity leave; adoption leave or paternity leave. If the member of staff is offered redeployment to a new job they are entitled to a trial period in accordance with the [Redeployment Procedure](#), which should commence once they return from shared parental leave.

If there is no suitable alternative post, the member of staff's employment and their shared parental leave period will come to an end on the grounds of redundancy and the member of staff will be entitled to their full contractual notice. Any statutory shared parental leave pay which has not been paid at the end of the member of staff's notice period will be paid to them as a lump sum.

**14.2.** If the member of staff is selected for redundancy during the period in which they are entitled to take shared parental leave but are not actually taking a period of leave, they are entitled to be considered for redeployment to suitable alternative vacancies

in the same way as employees that are not entitled to take shared parental leave. The member of staff is entitled to their full contractual notice period if they are made redundant.

If the member of staff is offered a suitable alternative job they are entitled to a trial period in accordance with the Redeployment Procedure, which should commence once they return from shared parental leave. The redeployment can however commence prior to their return from shared parental leave.

#### **16. If things do not go to plan**

In the event that things do not go entirely as planned, you might find the maternity related sections of our Special Leave Policy and Sickness absence Policy and Procedure helpful.