

Shared Parental Leave Policy

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1. Introduction

The University is committed to advancing gender equality and supporting staff to achieve a balance between work and family that works for them. Shared Parental Leave (ShPL) provides a legal entitlement for eligible parents to choose how to share parental leave and pay giving them more choice during the first year of birth or adoption.

2. Purpose

- 2.1. The University is committed to providing its employees with as much flexibility as possible when they are considering how to best care for and bond with their child. This policy and procedure applies to all eligible permanent and fixed-term employees of the University.
- 2.2. The policy aims to support employees who are prospective and/or new parents to understand the structural framework of Shared Parental Leave (ShPL) and Shared Parental Pay (ShPP) and its relation to other family leave policies, by outlining their statutory and occupational entitlements.
- 2.3. This policy applies regardless of the employee or employee's partner's gender.

3. Roles and Responsibilities

3.1. Employees have a responsibility to:

- discuss their plans for ShPL with their line manager as early as possible;
- clarify the relevant procedures and their entitlement with the HR Department;
- provide the correct notification, as detailed in this policy, and provide any additional evidence if requested by the University.

3.2. Managers have a responsibility to:

- encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible;
- consider all requests for ShPL in a timely manner.

4. Shared Parental Leave (ShPL) and Pay (ShPP) - Eligibility

4.1. ShPL and ShPP can be shared by two people, who must:

- be the mother/primary adopter, and/or
- be the father of the child (in the case of birth) and/or
- be the spouse, civil partner, or partner of the child's mother/primary adopter
- share the primary responsibility of the care of the child at the time of the birth/placement for adoption.

4.2. The mother /primary adopter/primary parent must:

- be entitled to statutory maternity/adoption leave and pay (see maternity policy)

- have given the correct notice to reduce any maternity or adoption entitlements
 - legally take a minimum of two weeks maternity or adoption leave before they are able to end (curtail) their maternity/adoption leave early.
- 4.3.The partner must:
- have worked in at least 26 of 66 weeks (not necessarily continuously) leading up to the child's expected due date/adoption matching date
 - meet the earnings [criteria](#).
- 4.4.To take ShPL as a mother /primary adopted/primary parent or partner as an employee you must:
- still be employed by the University in the week before the start of each period of SPL
 - have properly notified the University of your entitlement and intention to take leave and the duration of the period of leave, providing all the necessary declarations and evidence (SPL booking form)
 - have worked for the University for at least 26 weeks at the end of the 15th week before the child's expected week of birth (qualifying week) / the week in which the adopter is notified of having been matched (qualifying week).
- 4.5.Occupational ShPP requires an employee to have at least 52 weeks' continuous service for the University as at the 15th week before the expected week of childbirth.

5. Shared Parental Leave - Entitlement

- 5.1.Eligible parents can share up to 50 weeks of ShPL dependent on the number of weeks of maternity/adoption leave reduced, during the first 12 months following a birth or adoption placement.
- 5.2.ShPL can be taken as:
- A minimum period of one week
 - In multiples of complete weeks
 - One continuous period of ShPL or up to 3 discontinuous periods.
- 5.3.All employees have a right to return to work at the end of a period of ShPL.
- 5.4.During the ShPL period the employee's contract of employment continues and all contractual rights are maintained, except for pay.

6. Shared Parental Pay - Entitlement

- 6.1.Occupational Shared Parental Pay:
- Eligible employees are entitled to 16 weeks full contractual rate of pay (or if pay is variable, their average pay over the 8 weeks up to and including the qualifying week. Weeks where no work was carried out will be ignored for the purposes of this calculation, and earlier weeks used instead).
 - These 16 weeks are included within the Statutory ShPP period and is dependent on the number of weeks that

maternity/adoption leave is reduced by.

6.2. Employees who qualify for Occupational ShPP will receive:

- 16 weeks at full pay, inclusive of statutory shared parental pay;
- 21 weeks at flat rate statutory shared parental pay (or 90% of earnings if this is less than flat rate SMP*); and
- Additional leave will be unpaid.

6.3. Statutory Shared Parental Pay:

- Will be paid if an employee qualifies for shared parental leave but is not eligible for Occupational ShPP.
- Is set by the government, the current rate can be found [here](#).
- Statutory ShPP is paid up to 37 weeks, depending on the number of weeks that maternity/adoption leave is reduced (curtailed) by.

7. Notification and Booking Shared Parental Leave

7.1. Employees are encouraged to speak to their line manager as early as possible regarding plans to take ShPL.

7.2. Employees must complete a Shared Parental Leave Booking Form at least 8 weeks before the start of a ShPL period.

7.3. The University will respond in writing to all discontinuous ShPL requests within 14 calendar days of the booking request being made.

7.4. Continuous Leave

- This is defined as a single period of leave, taken in complete weeks.
- Employees have a right to take continuous leave provided they have met all of the eligibility and entitlement criteria and provided at least 8 weeks' notice.

7.5. Discontinuous Leave

- Employees do not have an automatic right to take discontinuous leave however all requests will be considered, taking into account the benefits to the employee and any implications for the Department/Faculty.
- An employee may submit a single notification which contains a request for up to three periods of leave, with breaks between the leave where the employee intends to return to work.
- An employee may submit up to three separate notifications for discontinuous periods of leave.
- Where there is concern over accommodating a request for discontinuous leave, the line manager will discuss the request with the employee with a view to reaching a mutually acceptable arrangement.
- A request for discontinuous leave may either be (a) agreed in full (b) agreed in part or (c) refused.
- In the event that a request for discontinuous leave is refused, the employee may choose to take the leave in a single continuous block. If they wish to take the leave in this way they must notify the University of the date they want this leave period to start. This must be done within 19 days of the date they submitted their original request.

- The leave cannot start sooner than 8 weeks from the date the original notification was submitted. If they do not choose a start date for their leave to begin then, by default, it will begin on the first leave date requested in the original notification.

7.6. The University may request, within 14 days of a booking form receipt:

- the name and business address of the partner's employer or, if self-employed, their contact details;
- a copy of the child's birth certificate or, in the case of an adopted child, documentary evidence of the name and address of the adoption agency,
- the date on which they were notified for having been matched with the child and the date on which the agency expects to place the child for adoption.

7.7. If requested, failure to provide evidence within 14 days may result in the University revoking ShPL.

7.8. Employees can withdraw their request to take ShPL, without detriment, up until the 15th day after an original request.

8. Variations to Shared Parental Leave

8.1. An employee is permitted to vary or cancel an agreed and booked period of ShPL, provided that they advise the University in writing at least 8 weeks before the date of any variation.

8.2. Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification.

8.3. However, a change as a result of a child being born early, or as a result of the University requesting it be changed, and the employee being agreeable to the change, will not count as further notification.

8.4. Any variation will be confirmed in writing by The University.

9. Employment Terms and Conditions during Shared Parental Leave

9.1. A period of ShPL counts as continuous service and an employee's continuous service rights are not affected.

9.2. Employees are entitled to receive any salary increments and/or cost of living increases, which they would have been due, had they not been on ShPL.

9.3. Employees will continue to benefit from their contractual terms and conditions except for salary which will be paid in accordance with an employee's eligibility under the ShPL throughout the 50-week period.

9.4. The University's annual leave year runs from 1 August to 31 July. Accrued annual leave should be taken prior to ShPL where reasonably practicable.

9.5. ShPL may last beyond the end of the annual leave year. Any annual leave entitlement for the year that cannot reasonably be taken before starting a period of ShPL leave, may be carried over to the next annual leave year, subject to the provisions of the University's

Annual Leave Policy and Procedure.

9.6. All employees should discuss and agree their annual leave plans with their line manager in good time before starting ShPL. Although due regard will be given to the employee's circumstances, all annual leave requests remain subject to approval by the line manager.

10. Shared Parental Leave In Touch "SPLIT" days

10.1. The employee and their manager are encouraged to maintain reasonable contact during ShPL, in order to keep the employee informed of important developments or changes at work and to discuss plans for returning to work. Either party is entitled to initiate this contact during the maternity leave period.

10.2. By mutual agreement, an employee may work up to 20 SPLIT days during the maternity leave period, without bringing the ShPL to an end or affecting ShPP.

10.3. Work means any work done under the contract of employment, and may include attending a conference or committee, undertaking a training activity or attending a team meeting.

10.4. If both mother/primary adopter and their partner are employed by the University, each employee is entitled to 20 days SPLIT days.

10.5. The provision of SPLIT days does not give the University the right to require work to be carried out during the ShPL period, nor any right on an employee to request work during this period. In addition, there is no obligation on the University or the employee to make use of SPLIT days.

10.6. SPLIT days do not have the affect of extending the ShPL or pay period.

11. Returning to work after Shared Parental Leave

11.1. An employee is entitled to return to the same job if their combined family leave period is 26 weeks or less.

11.2. If their total leave amounts to 26 weeks or more, the employee is entitled to return to the same job or, if this is not reasonably practicable, to another suitable job on terms and conditions which are no less favorable.

11.3. If an employee wishes to return to work earlier than agreed, they can provide a written notice to vary their ShPL arrangements, using the 'Request to Vary ShPL' form and must give at least 8 weeks' notice of their date to return. This will count as one of the employee's notifications. If the employee has already used three notifications to book and/or vary leave then the University does not have to accept the notice to return early but may do so if it is considered to be reasonably practicable to do so i.e. if cover arrangements have been fixed.

12. Flexible Working Request

12.1. The University will give consideration to employee requests, in accordance with the University Flexible Working Policy.

13. Pension contributions during Shared Parental Leave

13.1. During ShPL pension contributions will continue to be made and will be based on actual pay received and not salary payments prior to taking ShPL.

13.2. Once ShPP ends, it may have an impact on the pension contributions for both the employee and employer. As rules vary between the Pension Schemes that the University offers, it is advised that you contact hrhelpdesk@stmarys.ac.uk for guidance on your personal situation.

14. Decision not to return to work

14.1. If an employee decides not to return to work following ShPL they should notify the Human Resources department of their resignation as soon as possible and provide notice in accordance with the terms/notice period in their contract of employment.

15. Fraudulent Claims

15.1. Where there is a suspicion that fraudulent information may have been provided St Mary's will investigate the matter further in line with the University's Disciplinary and Dismissal Procedure.

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