

## Shared Parental Leave Policy

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## **1. Policy**

a) The aim of St Mary's University's Shared Parental Leave Policy is to set out the rights and responsibilities of employees who wish to take Shared Parental Leave.

b) Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. St Mary's 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.

c) St Mary's University recognises that this policy does not cover all aspects of Shared Parental Leave. Employees should contact the Human Resources Department to arrange an informal discussion as early as possible regarding their potential entitlement. Employees are also encouraged to discuss any questions or concerns with their line manager as early as possible.

d) Further advice may also be sought from the Human Resources Department.

## **2. Scope of the Policy**

a) This policy applies to all St Mary's University employees who are expecting a baby or a newly adopted child on or after 5 April 2015.

b) Surrogacy arrangements or a 'foster to adopt' arrangement may be able to take Shared Parental Leave and Pay providing they meet the eligibility criteria.

## **3. Definitions**

**Shared Parental Leave (ShPL):** A period of leave, which is available to working parents, both mothers and fathers (or partners of mothers) during their child's first year following birth / placement for adoption.

**Shared Parental Pay (ShPP):** This may be made during some or all of the ShPL. St Mary's University pays the statutory amount of ShPP, the level of which is set by the Government for the relevant tax year.

**Parent:** One of two people who will share the main responsibility for the child's upbringing

**Partner:** Spouse, civil partner or someone living with another person in an enduring family relationship

#### **4. Roles and Responsibilities**

a) 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 St Mary's University.

b) 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.

#### **5. Eligibility**

An employee will be entitled to ShPL if s/he:

- is the mother/adopter of the child; or
- the father of the child, spouse, civil partner or partner of the child's mother / adopter.

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

The additional criteria which must be satisfied in order to be entitled to ShPL are that:

- the mother/adopter of the child must be entitled to statutory maternity/adoption leave or pay or maternity allowance;
- The mother/adopter of the child must have given notice to reduce any maternity or adoption entitlements;
- the employee must have worked for St Mary's University for a minimum of 26 weeks as at the 15th week before the expected due date / matching date;
- the employee must still be working for St Mary's University at the start of each period of ShPL;
- the employee's Partner must have worked in at least 26 of the 66 weeks leading up to the child's expected due date / matching date and meet a minimum earnings threshold in any 13 of these weeks. (Further

information on the minimum earnings threshold is available from the Human Resources Department);

- the employee must correctly notify St Mary's University of their entitlement and provide evidence as required.

In addition to the above, to be eligible for ShPP:

- the mother/adopter must be entitled to statutory maternity/adoption pay or maternity allowance;
- the mother/adopter must have reduced their maternity/adoption pay period or maternity allowance period;
- the employee must intend to care for the child during the week in which ShPP is payable;
- the employee must have earned on average at least the National Insurance lower earnings limit during the 8 weeks up to and including the 15<sup>th</sup> week before the child's expected due date/matching date. (Further information on the National Insurance lower earnings limit is available at <https://www.gov.uk>)
- the employee must remain in continuous employment until the first week of ShPP has begun;
- the employee must give proper notification in accordance with the guidelines set out in this policy.

## **6. Entitlement**

### Shared Parental Leave (ShPL)

Eligible employees may be entitled to take up to 50 weeks leave during the child's first year in their family. The number of weeks available will depend on the number of weeks by which the mother/adopter reduces their maternity/adoption leave period. For example, if the mother/adopter chooses to reduce their maternity/adoption leave to take 40 weeks instead of the full 52 weeks, then 12 weeks leave is available to be taken by either parent as Shared Parental Leave. The mother or adopter must take a minimum of two weeks maternity or adoption leave before they are able to end their maternity / adoption leave early.

If the eligibility criteria are met, the employee and their Partner will be able to,

- convert a period of maternity / adoption leave into ShPL which can be taken by either parent;
- decide on whether ShPL is taken together while the mother/adopter is on maternity/adoption leave or opt to take ShPL at different times during the year following the child's birth or adoption;
- choose to opt in to ShPL at any time as long as there is outstanding untaken maternity leave to share;

- choose whether to take ShPL in either a single continuous block or in smaller amounts of complete weeks up to 3 separate blocks (subject to the agreement of their line manager);
- The father/partner/spouse can take ShPL immediately following the birth/placement of the child, however it may be more to his advantage if he takes any entitlement to Paternity Leave first of all as this cannot be taken once ShPL has started.

#### Shared Parental Pay (ShPP)

Eligible employees may also be entitled to take up to 37 weeks of ShPP while taking ShPL.

The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

#### **7. Notification of Shared Parental Leave**

Employees who are considering taking ShPL are encouraged to speak to their line manager as early as possible regarding their plans and potential entitlement.

An employee entitled and intending to take ShPL must give notification of their entitlement and intentions by completing section A of the ShPL Entitlement and Booking form (SHPL1 form) and return it to the HR Department at least 8 weeks before they want their ShPL period to start.

St Mary's University may, within 14 days of the ShPL Entitlement and Booking form being given, request:

- 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

This information must be produced within 14 days of St Mary's University's request. Any failure to comply with this request may result in St Mary's University revoking ShPL.

## **8. Booking Shared Parental Leave**

In addition to notifying St Mary's University of their entitlement to take ShPL, an employee must give notice to take the leave. They can do this by completing section B of the ShPL Entitlement and Booking form (SHPL1 form). The correct notification must be given at least eight weeks' before the date on which the employee wants the leave to start.

Employees can submit three notifications specifying the leave periods they are intending to take. They may request to take their leave in either one continuous block or in two or more separate periods.

### **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 have provided at least eight weeks' notice.

An employee may submit up to three separate notifications for continuous periods of leave.

St Mary's University will respond in writing to all continuous ShPL requests within 14 calendar days of the booking request being made.

### **Discontinuous Leave**

An employee may submit a single notification which contains a request for two or more periods of leave, with breaks between the leave where the employee intends to return to work. This is defined as discontinuous leave.

There is not 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 Faculty/Service.

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.

St Mary's University will respond in writing to all discontinuous ShPL requests within 14 calendar days of the booking request being made. 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 St Mary's 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 eight 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.

Employees can also withdraw their request at any point without detriment up until the 15<sup>th</sup> day after they submitted their request.

### **9. Variations to arranged Shared Parental Leave**

Employees can submit three notifications specifying the leave periods they are intending to take.

An employee is permitted to vary or cancel an agreed and booked period of ShPL, provided that they advise St Mary's University in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification. However, a change as a result of a child being born early, or as a result of St Mary's University requesting it be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by St Mary's University.

### **10. Terms and conditions during Shared Parental Leave**

During the period of ShPL, the employee is entitled to benefit from all of their terms and conditions of employment with the exception of remuneration (sums payable to the employee by way of wages or salary).

### **11. Annual Leave**

Annual leave is accrued during a period of ShPL.

Annual leave cannot be carried over from one holiday year to the next (with the exception of 5 days with the approval of the Dean of Faculty/Head of Service). Where a ShPL period overlaps two leave years consideration should be given by the employee as to how their annual leave entitlement can be used to ensure that it is not untaken at the end of the annual leave year.

### **12. Contact during Shared Parental Leave**

Before starting a period of ShPL, the line manager and employee should discuss the arrangements for them to keep in touch during their leave. St Mary's University reserves the right in any event to maintain reasonable contact with the employee during their ShPL.

### **13. Shared Parental Leave in Touch days - "SPLIT" days**

Employees on ShPL may, with the agreement of their manager, carry out up to 20 days' work during their ShPL period without bringing their period of ShPL to an end or impacting on their right to claim ShPP for that week. In accordance with legislation, any work carried out on a day or part of a day shall constitute a day's work.

An employee taking a SPLIT day will receive their usual salary for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives their usual salary for the day in question. Any SPLIT days worked do not extend the period of ShPL.

### **14. Returning to work after Shared Parental Leave**

Where a period of ShPL has been agreed, the employee will have been formally advised in writing by St Mary's University of the end date of any period of ShPL. The employee is expected to return on the next working day after this date, unless prevented from doing so by illness, or where a period of annual leave has been agreed.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the period of ShPL and must give St Mary's University at least eight weeks' notice of their date of early return.

An employee is entitled to return to the same job if their combined total leave period (including maternity/paternity/adoption leave and ShPL) amounts to 26 weeks or less. 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 favourable.

### **13. Fraudulent Claims**

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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