

# SHARED PARENTAL LEAVE POLICY AND PROCEDURE

## 1 INTRODUCTION

This policy is discretionary in nature. Whilst the University expects its employees and staff to comply with this policy, it does not confer contractual rights or form part of any contract of employment and may be amended by the University or replaced at any time following appropriate consultation and negotiation with recognised trade unions.

Breach of this policy may be addressed via the University's disciplinary and code of conduct policies.

This policy will be reviewed by the Human Resources department on a 3 year basis or amended in response to changes in future legislation and/or case law.

## 2 OWNERSHIP

The Human Resources department owns and manages this policy on behalf of The University of Northampton.

## 3 ORGANISATIONAL SCOPE

This Shared Parental Leave policy is a corporate policy and applies to all employees (and workers, as applicable) of The University of Northampton including any wholly owned subsidiaries, unless an alternative policy exists, subject to any qualifying conditions.

## 4 POLICY STATEMENT

This policy has been developed to ensure consistency in handling requests to take shared parental leave and promote a work/life balance. The University of Northampton recognises the statutory rights of employees to take shared parental leave and pay, where the qualifying criteria are met.

## 5 DEFINITIONS

**Parent/Adopter** – a person who will have the main responsibilities for the care of the child in its first year.

**Shared Parental Leave** – up to 50 weeks leave shared between both partners in the couple.

**Compulsory Maternity Leave** – a period of 2 weeks (4 weeks in a factory setting) following the birth which must be taken by the mother.

**Continuity of employment test** – The employee has worked for the same employer for at least 26 weeks at the end of the 15<sup>th</sup> week before the child's expected due date/ matching date and is still working for the employer at the start of each leave period.

**Employment and earnings test** - In the 66 weeks leading up to the baby's expected due date/ matching date, the person has worked for at least 26 weeks and earned an average of at least £30 a week in any 13 weeks.

**Shared Parental Pay** – up to 37 weeks' pay shared between both partners in the couple.

**Curtailment** – the ending of maternity or adoption leave and pay to create the entitlement to Shared Parental Leave.

**Qualifying week** – the end of the 15th week before the baby's due date.

## **6 KEY PRINCIPLES**

- 6.1 This policy aims to inform all employees who meet the qualifying conditions, of the statutory right to shared parental leave and pay.
- 6.2 This policy is informed by the Children and Families Act (2014), specifically the Shared Parental Leave Regulations 2014 which came into force on 1 December 2014. It also takes into account the ACAS good practice guide.
- 6.3 This policy enables the parents or adopting couple who will have the main responsibilities for the care of the child to share parental leave.
- 6.4 During the Shared Parental Leave period the employee's contract of employment continues and he/she is entitled to receive all his/her contractual benefits except pay.
- 6.5 Unauthorised recording of conversations is prohibited. Anyone in breach of this may be subject to disciplinary action.

### **Eligibility**

- 6.6 To be eligible for shared parental leave for one or both parents, the mother must:
- Have a partner.
  - Be entitled to maternity or adoption leave or to statutory maternity/ adoption pay or maternity allowance (if not eligible for maternity/ adoption leave).
  - Have curtailed or given notice to reduce their maternity or adoption leave, or their pay/allowance.
- 6.7 A parent who intends to take shared parental leave must:
- Be an employee of the University.
  - Share the primary responsibility for the child with the other parent at the time of birth or placement for adoption.
  - Have properly notified the university of their entitlement and have provided the necessary forms and evidence.

- 6.8 A parent wanting to take shared parental leave needs to satisfy the 'continuity of employment test' and their partner must meet the 'employment and earnings test' (see definitions).
- 6.9 It is possible for only one parent to be eligible to shared parental leave. For example, if the mother is self employed and the father is employed by the University.

## **Leave**

- 6.10 If both parents are employees and both meet the qualifying requirements they will have to determine how to divide the leave entitlement once the mother has decided to curtail their maternity/ adoption leave.
- 6.11 Shared Parental Leave consists of 50 weeks of leave available jointly to the couple. This is reduced by the number of weeks of maternity or adoption leave taken before curtailment. Where a mother or adopter takes 51 weeks or more of Maternity/Adoption Leave then no Shared Parental Leave can be created.
- 6.12 Shared Parental Leave can commence from the child's birth date or date of placement and ends on the day before the child's first birthday or first anniversary of the date of placement.
- 6.13 There is a period of 2 weeks after the date of birth which the mother cannot share and maternity leave must be taken.
- 6.14 Providing the mother or adopter has given advance notice to curtail their maternity/ adoption entitlement at some point in the future, their partner can start to take shared parental leave from the date of birth or date of placement.

6.15 Shared Parental Leave is available to employees who:

- will have the main responsibilities for the care of the child in its first year; and
- have worked continuously for the University for 26 weeks at the end of the 15th week before the baby's due date or matching date and still be working for the University when the leave will be taken.

6.16 A mother or adopter can end their leave period by returning to work or giving a notice of curtailment for a future date (see Appendix 1). This does not end the pay period and therefore to enable Shared Parental Leave and Pay to be shared, both the Leave and Pay will need to be curtailed at this time.

6.17 If an employee wishes to end their Statutory Maternity leave or Statutory Adoption Leave then they must submit notice of this specifying the future date when this will end. The end date must be at least one day after the Compulsory Maternity Leave period or two weeks after the start of Ordinary Adoption Leave. If curtailing Additional Leave then there must be at least one week of this leave remaining.

## **Pay**

6.18 Shared Parental Pay consists of 37 weeks of pay available jointly to the couple. This is reduced by the number of weeks of maternity or adoption pay already received.

6.19 A couple who have complied with all notification and curtailment procedures will be entitled to the weekly rate of payment for Statutory Shared Parental Pay which is the lower of:

- the Statutory rate; or
- 90% of the average weekly earnings

6.20 Shared Parental Pay is available to employees who:

- will have the main responsibilities for the care of the child in its first year; and
- have average weekly earnings at or above the Lower Earnings Limit for National Insurance contributions in the 8 weeks prior to the 15<sup>th</sup> week before the baby's due date or matching date.

6.21 To enter the Shared Parental Leave and Pay process an employee must end (curtail) their entitlements under the default regimes e.g. Maternity Leave and Pay, Adoption Leave and Pay.

## **7 PROCEDURE**

### **Applying for Shared Parental Leave**

7.1 An employee who meets the eligibility criteria (see key principles) and who wishes to take Shared Parental Leave must complete a notice of entitlement and intention form (Appendix 2) at least 8 weeks prior to the planned start date of leave.

7.2 In adoption situations the employee must provide the University with as much notice as possible, but no later than 7 days after receiving the notification of the match with the child. The University will require the employee to provide the certificate of matching.

7.3 The leave and pay can be taken in single blocks (continuous) or multiple blocks (discontinuous). Employees have a statutory right to take the leave in the continuous blocks indicated on the notice of entitlement and intent form.

7.4 If an employee wishes to request discontinuous leave this must be discussed with the line manager within 14 calendar days.

- 7.5 If a request for discontinuous leave is not agreed then the total amount of leave in the request must be taken as one continuous block unless the employee withdraws their notice and submits a new request.
- 7.6 Upon receipt of a request for discontinuous leave the line manager will consider:
- What impact the leave arrangements will have on the business and could this be mitigated?
  - If a modification to the leave request could reduce the impact on the business and is the employee agreeable to this?
  - What other considerations could help to achieve a mutually beneficial agreement?
  - The likely outcome if the request for discontinuous leave is not agreed?
- 7.7 The employee is entitled to apply for up to 3 notices to book leave or vary a previously agreed pattern of leave (Appendix 3).
- 7.8 Shared parental leave can start on any day of the week but the employee will be required to book complete weeks and take a minimum of a week's leave at a time.

### **Cancelling or Varying booked Shared Parental Leave**

- 7.9 If the employee needs to vary or cancel a period of booked leave they should provide written notice (using the form in Appendix 3) at least 8 weeks before the varied dates begin.
- 7.10 A notice to vary booked Shared Parental Leave will count as a further notification. E.g. if the employee had originally agreed the leave as part of their first notice to book leave, cancelling or varying the leave would count as a second notification.
- 7.11 In instances where the University proposes a variation to a leave request and the employee is in agreement, this would not count as a further notification.

## **Special circumstances**

### **7.12. Early birth**

- 7.12.1 If the child is born before their expected due date and the employee had booked to take Shared Parental Leave within the first eight weeks of the due date, they may take the same period of time off after the actual birth without having to provide eight weeks' notice by submitting a notice to vary their leave as soon as is reasonably practicable.
- 7.12.2 Any leave arranged after the first eight weeks of the due date is still bound by the eight week notice required to vary the leave.
- 7.12.3 If the child is born more than eight weeks before the due date and the notice of entitlement or the notice to book has not yet been given then there is no requirement to give eight weeks' notice before the period of leave starts. The notices should be given as soon as is reasonably practicable after the birth.

### **7.13 Death of the child before or during birth, or within the first year**

- 7.13.1 Should the child die before the parents have submitted a notice of entitlement then they cannot opt into Shared Parental Leave because a qualifying condition is caring for the child. The mother will remain entitled to maternity leave and the mother's partner could qualify for paternity leave.
- 7.13.2 If the parents have given notice of entitlement and notice to book then they will still be entitled to take the booked leave. No further periods of leave can be booked and only one variation can be given to reduce a period of leave or rearrange a discontinuous leave arrangement into a single block of leave.
- 7.13.3 An employee already on Shared Parental Leave can cancel this and return to work by giving eight weeks notice.

## **7.14 Partner no longer caring for the child**

- 7.14.1 If the circumstances of an employee with booked Shared Parental Leave change and they are no longer responsible for caring for the child then their entitlement to Shared Parental Leave and Pay will cease immediately and they must inform the University of this.
- 7.14.2 If the employee has booked any Shared Parental Leave within eight weeks of their entitlement ceasing then they may still be required to take this leave if it is not reasonably practicable for the University to have the employee in work. Any periods of Shared Parental Leave booked for after the eight weeks for the cessation of entitlement must be cancelled.
- 7.14.3 If the remaining parent will continue to care for the child then they will still be eligible to take Shared Parental Leave. The remaining parent can transfer the other parent's entitlement to their own if they have a signed agreement from the other parent confirming a variation of the leave entitlement.

## **7.15 Death of a parent during the child's first year**

- 7.15.1 If either parent dies and the other parent is taking or entitled to Shared Parental Leave then they will continue to be eligible. Any Shared Parental Leave which was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for Shared Parental Leave.
- 7.15.2 Should it be necessary for the other parent to take a further period of Shared Parental Leave or to vary pre-agreed leave then notice must be given as soon as is reasonably practicable if eight weeks notice cannot be given. If three notices to take leave have been given then the University will allow one further notice to book to be submitted.

## **7.16 Contact during Shared Parental Leave**

- 7.16.1 Prior to shared parental leave commencing the line manager will take responsibility for agreeing with the individual the level of contact which will take place during the leave period.
- 7.16.2 Either party is entitled to initiate this contact with the aim of keeping the individual informed and ensuring they feel involved. This can include but not be limited to forwarding relevant information and invitations to key meetings and social events and discussing return to work arrangements.

## **7.17 Shared Parental Leave in Touch days**

- 7.17.1 'Shared Parental Leave in Touch' (SPLIT) days have been introduced to allow each parent to carry out up to 20 days' work during their shared parental leave period, without bringing their shared parental leave to an end.
- 7.17.2 The 20 SPLIT days are in addition to the 10 Keeping In Touch (KIT) days available for employees on maternity/adoption leave.
- 7.17.3 SPLIT days can be taken at any time during the Shared Parental Leave period, with the exception of the two weeks immediately after childbirth for the mother.
- 7.17.4 SPLIT days must be agreed between both the employee and the line manager, as there is no obligation on either party to make use of these days.
- 7.17.5 If SPLIT days are worked, they do not extend the statutory shared parental leave period. Payment for each SPLIT day worked will be made based on the number of hours worked during each SPLIT day. Regardless of the number of hours worked during a SPLIT day, it will constitute a full day's work for the purposes of the number of PSPLIT days used.

7.17.6 For mothers who have given birth if a 'Keeping in Touch' day under the Maternity Policy has not been worked then a risk assessment will be undertaken on the first SPLIT day by the line manager, to enable the employee's attendance at the workplace. For subsequent SPLIT days a review of this original assessment will be undertaken by the line manager, to take into account any changes in either the work environment or the employee's condition/circumstances. This fulfils the University's duty in protecting the health and safety of all new mothers.

### **Job vacancies**

7.18 Whilst an employee is on shared parental leave the University will provide him/her with details of current job vacancies. Employees are able to select how they receive details on the Notification form.

### **Pension schemes**

7.19 Information on pension contributions whilst on shared parental leave can be provided upon request from the payroll team.

### **Salary increments and cost of living increases**

7.20 Salary increments and cost of living pay rises will be applied as normal during shared parental leave.

### **Annual Leave and bank holidays**

7.21 Whilst on shared parental leave an employee continues to accrue annual leave, bank holidays and closed days. These can be taken on return from shared parental leave and should be agreed with the line manager in accordance with normal annual leave procedures.

### **Returning to work**

7.22 An employee returning from a total of 26 weeks or less of Shared Parental leave or a combined leave period (comprising of maternity/paternity/adoption and shared parental leave) is

entitled to return to work to the same job as he/she occupied before commencing leave, on the same terms and conditions of employment as if he/she had not been absent. If a post does not exist due to a restructure the Redundancy Policy and Procedure and Redeployment Policy and Procedure will apply.

An employee returning after Shared Parental Leave or a combined period of leave where the number of weeks exceeds 26 weeks in total is entitled to return to the same job or similar.

If he/she is unable to attend work at the end of Shared Parental leave due to sickness, the University's normal sickness notification arrangements apply.

If the employee decides not to return to work he/she must provide the University with notice of resignation in accordance with his/her contract of employment. If the notice period would expire after the Shared Parental Leave period has ended the University may require the employee to return to work until the end of their notice period or to take any outstanding annual leave.

## **Flexible Working Requests**

7.23 All employees have a statutory right to request flexible working on return from Shared Parental leave. Refer to the Flexible Working Policy and Procedure

## **Parental Leave**

7.24 Employees may have the right to 18 weeks unpaid "Parental Leave". Further details on this can be found in the Time Off and Special Leave Policy and Procedure.

## 8 ASSOCIATED DOCUMENTS

The University of Northampton's:

Paternity Leave Policy and Procedure  
Maternity Leave Policy and Procedure  
Adoption Leave Policy and Procedure  
Time off and Special Leave Policy  
Flexible Working Policy and Procedure  
Working From Home Guidance  
Annual Leave Guidance

## 9 APPROVAL PROCESS

To be confirmed

## 10 EQUALITY IMPACT ASSESSMENT

An Equality Impact Assessment must accompany this document.

## 11 VERSION CONTROL

<b>Version Control</b>		<b>Approval record</b>	
Author:	HR	Approval:	Board Approval 23/06/2015
Date written:	Spring 2015	Updates:	
Current status:	Approved		
<b>Record of Amendments</b>			
Date	Details of Change		Approval

**Appendix 1 - Notice to end Maternity/Adoption Leave**

*To be completed by the mother/primary adopter of a child*

I am writing to confirm that I intend to end my maternity/adoption leave on:

\_\_\_\_\_ (Date)

I also wish to end my statutory maternity/adoption pay on this date  
(please delete as appropriate)

Signed \_\_\_\_\_

Please print name \_\_\_\_\_

Dated \_\_\_\_\_

**Appendix 2 - Notice of entitlement to Shared Parental Leave (ShPL) and Pay (ShPP)**

*To be completed by both partners wishing to access the Shared Parental Leave/Pay system*

Name, address and National Insurance number of Mother/Primary Adopter	
Name, address and National Insurance number of Partner	

Date maternity/adoption leave started \_\_\_\_\_

Date statutory maternity/adoption leave will end/has ended \_\_\_\_\_

Total amount of Shared Parental Leave available \_\_\_\_\_

Child's expected due date/actual birth date/date of placement \_\_\_\_\_

	Mother/Primary Adopter	Partner
Total amount of Shared Parental Leave you intend to take (in weeks)		
When you intend to take the leave		
Total amount of Shared Parental Pay you intend to take (in weeks)		

**Declaration**

I declare that:

- I have met the criteria of the Economic Activity Test and am eligible to apply for Shared Parental Leave.
- I have also met the qualifying criteria for Shared Parental Leave/Shared Parental Pay (delete as appropriate) and agree to this division of leave and pay.
- Should either parent cease to be eligible, they will immediately inform their employer.
- Notice to curtail the maternity or adoption entitlement has been given.
- I agree that any personal data I have provided in this form can be processed by the employer of my partner for the purpose of handling any request by them to exercise their right to Shared Parental Leave.

Signed (Mother/Adopter) \_\_\_\_\_

Please print name \_\_\_\_\_

Dated \_\_\_\_\_

Signed (Partner) \_\_\_\_\_

Please print name \_\_\_\_\_

Dated \_\_\_\_\_

**Appendix 3 - Notice to book/ Vary Shared Parental Leave (ShPL) and Pay (ShPP)**

Name of employee making request for Shared Parental Leave/Pay:

\_\_\_\_\_

Date of birth of child/placement date: \_\_\_\_\_

**Notice to book Shared Parental Leave/Pay**

Proposed date block of Shared Parental Leave will start: \_\_\_\_\_

Proposed date block of Shared Parental Leave will end: \_\_\_\_\_

*If you would also like to claim Shared Parental Pay for any of the above time period, please state below:*

Proposed date block of Shared Parental Pay will start: \_\_\_\_\_

Proposed date block of Shared Parental Pay will end: \_\_\_\_\_

Balance of weeks of Shared Parental Leave: \_\_\_\_\_

Balance of weeks of Shared Parental Pay: \_\_\_\_\_

**Notice to vary Shared Parental Leave**

Dates of Shared Parental Leave requesting to vary: \_\_\_\_\_

Revised proposed start date: \_\_\_\_\_

Revised proposed end date: \_\_\_\_\_

*If you would also like to claim Shared Parental Pay for any of the above time period, please state below:*

Proposed date block of Shared Parental Pay will start: \_\_\_\_\_

Proposed date block of Shared Parental Pay will end: \_\_\_\_\_

Declaration:

I declare that I am the partner of the above named employee and I agree to the variation to Shared Parental Leave dates proposed.

Name \_\_\_\_\_

Signed \_\_\_\_\_

Employee:

Signed \_\_\_\_\_

Name \_\_\_\_\_

Dated \_\_\_\_\_