# SHARED PARENTAL LEAVE PROCEDURE

<table>
<thead>
<tr>
<th>For use in:</th>
<th>All Divisions/Schools/Departments/Colleges of the University</th>
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<tbody>
<tr>
<td>For use by:</td>
<td>All University employees</td>
</tr>
<tr>
<td>Owner</td>
<td>HR Operations</td>
</tr>
<tr>
<td>Dates of Trade Union Consultation</td>
<td>Start: 9 December 2014 to 13 January 2015</td>
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<td>End: 13 January 2015</td>
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<tr>
<td>Date Staffing Policy Committee Approval</td>
<td>5 February 2015</td>
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<tr>
<td>Launch date</td>
<td>18 March 2015</td>
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<tr>
<td>Review Date</td>
<td>April 2016</td>
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<tr>
<td>Contact - Comments</td>
<td>Geraldine McAughtry/Helen Reynolds</td>
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1. Introduction

1.1 The University is committed to promoting equality and diversity by supporting staff who take Shared Parental Leave. Therefore the University offers an enhanced Shared Parental Pay scheme, to encourage members of staff to return to work after a period of Shared Parental Leave. Eligibility for the enhanced Shared Parental Pay scheme is set out below in the section titled ‘Shared Parental Pay’.

1.2 This procedure is a reference guide for line managers and staff. It sets out information on matters relating to Shared Parental Leave, including the roles and responsibilities of those who operate the Shared Parental Leave Procedure in the University (see Appendix 1).

1.3 Line managers and staff are encouraged to contact HR for advice on the Shared Parental Leave Procedure.

1.4 The Shared Parental Leave Policy and Procedure is not contractual and does not form part of the terms and conditions of employment. However, where the University wishes to amend the Shared
Parental Leave Policy and Procedure, staff will be consulted on changes via the recognised Trade Unions.

1.5 This procedure should be read in conjunction with the Shared Parental Leave Policy.

2. **Shared Parental Leave Entitlement**

2.1 Shared Parental Leave (SPL) is a type of leave that is available to eligible parents of children who are due to be born, or who are placed for adoption, on or after 5 April 2015.

2.2 SPL should not be confused with Parental Leave, which is unaffected by the introduction of SPL. Please see the University’s [Policy and Procedure on Parental Leave](#) for further information about this type of leave.

2.3 SPL enables eligible parents to choose how to share the care of their child during the first year following birth or adoption. The purpose of SPL is to give parents more flexibility in considering how to best care for, and bond with, their child.

2.4 All eligible employees have a statutory right to take SPL. There may also be an entitlement to some **Shared Parental Pay** (see section 4, below, for further details).

2.5 Eligible employees may be entitled to take up to 50 weeks SPL during the first year following the birth or adoption of a child. The number of weeks available as SPL is calculated using the mother’s/adopter’s entitlement to Maternity/Adoption Leave, which allows them to take up to 52 weeks’ leave. The mother/adopter must take a minimum of two weeks’ maternity/adoption leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL systems and take any remaining weeks as SPL.

2.6 A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

2.7 Where a mother/adopter gives notice to curtail their maternity/adoption entitlement at a specified future date, then the partner can take SPL whilst the mother/adopter is still using their maternity/adoption entitlements.

2.8 SPL can commence as follows:
   - The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
   - The adopter can take SPL after taking at least two weeks of adoption leave
   - The partner can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the partner cannot take paternity leave or pay once they have taken any SPL or Statutory Shared Parental Pay).
2.9 SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of the placement for adoption of the child is lost.

3. Eligibility for Shared Parental Leave

3.1 SPL is only available to be taken by two people:

a) The mother or adopter and
b) One of the following:
   • the biological father of the child or
   • the spouse, civil partner or partner of the child’s mother/adopter

3.2 The following terminology will be used throughout this procedure:

‘Mother’ means the mother, expectant mother or adopter of the child. Please note that the adopter can be either male or female.

‘Partner’ means the father of the child, or the person who, at the date of the child’s birth or adoption is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

3.3 For members of staff to be eligible to take SPL, both parents must meet certain eligibility requirements, as set out below.

3.4 Mother’s eligibility for SPL:

The mother is eligible for SPL if she:

• has at least 26 weeks’ continuous employment ending with the 15th week before the Expected Week of Childbirth, or, for adoptions, by the end of the week in which he or she was notified of having been matched for adoption with the child.
• remains in continuous employment with the University until the week before any period of SPL that she takes;
• has, at the date of the child’s birth or placement for adoption, the main responsibility, apart from the partner, for the care of the child;
• is entitled to statutory maternity or adoption leave in respect of the child; and
• complies with the relevant maternity/adoption leave curtailment requirements (or has returned to work before the end of statutory maternity/adoption leave), and also complies with SPL notice requirements.

In addition, for the mother to be eligible for SPL, the partner must:

• have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the Expected Week of Childbirth or before the week in which he or she was notified of having been matched for adoption with the child;
• have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
• have, at the date of the child's birth or date of placement for adoption, the main responsibility, apart from the mother, for the care of the child.

3.5 **Partner’s eligibility for SPL:**

The partner is eligible for SPL if he/she:

• has at least 26 weeks' continuous employment ending with the 15th week before the Expected Week of Childbirth or, for adoptions, by the end of the week in which he or she was notified of having been matched for adoption with the child
• remains in continuous employment with the University until the week before any period of SPL that he/she takes;
• has, at the date of the child's birth or placement for adoption, the main responsibility, apart from the mother, for the care of the child; and
• complies with the relevant SPL notice requirements.

In addition, for the partner to be eligible for SPL, the mother must:

• have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the Expected Week of Childbirth or before the week in which he or she was notified of having been matched for adoption with the child;
• have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
• have, at the date of the child's birth or placement for adoption, the main responsibility, apart from the mother, for the care of the child;
• be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity allowance in respect of the child; and
• comply with the relevant maternity/adoption leave or pay curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave).

4. **Shared Parental Pay**

4.1 A member of staff who is eligible for SPL may also be eligible for a maximum of 37 weeks' of Shared Parental Pay (SPP). The SPP schemes which staff may be eligible for are outlined below:

4.2 **Enhanced University Shared Parental Pay Scheme**

4.2.1 **Eligibility**

To be eligible for the Enhanced University Shared Parental Pay Scheme, a member of staff must:

• Have 12 or more months of continuous service with the University at the Expected Week of Childbirth or, for adoptions, at the Matching Week.
• Have confirmed that they will return to work after taking Shared Parental Leave.
4.2.2 Enhanced University Shared Parental Pay Entitlement

Staff will only be entitled to receive Enhanced University SPP during the first continuous period of SPL. Where a member of staff takes discontinuous periods of SPL, only the first continuous block of leave will be covered by Enhanced University SPP, if the member of staff meets the eligibility criteria as outlined above. During any further periods of leave, the member of staff will receive Statutory Shared Parental Pay, where they are eligible, or the leave will be unpaid.

Any Enhanced University pay relating to Maternity Leave, Ordinary Paternity Leave or Adoption Leave will be deducted from the member of staff’s total entitlement to Enhanced University SPP.

Please see below for an example of SPP entitlement where a member of staff is eligible for both Enhanced University SPP and Statutory Shared Parental Pay (ShPP), has not received any Enhanced Maternity/Paternity/Adoption Pay, and takes 37 weeks’ leave in one continuous block:

<table>
<thead>
<tr>
<th>Enhanced Scheme: SPP Entitlement</th>
<th>Weeks</th>
</tr>
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<tbody>
<tr>
<td>Full pay (inclusive of ShPP*)</td>
<td>8</td>
</tr>
<tr>
<td>Half pay plus ShPP* (not to exceed full pay)</td>
<td>16</td>
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<tr>
<td>ShPP* only</td>
<td>13</td>
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<td>Total:</td>
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*See Section 4.3, below, for further details of the ShPP Scheme.

4.2.3 Repayment of Enhanced University Shared Parental Pay

A member of staff who does not return to work after SPL is not eligible to receive the University’s Enhanced SPP.

Where a member of staff does not return to work for a minimum of 3 months after SPL (i.e. the end of the last period of SPL, where leave is taken in discontinuous blocks), the University may reclaim the non-statutory element of SPP.

Staff can if they wish contact the Payroll Office directly at any point during their SPL to obtain an accurate calculation of the amount they must repay if they do not return to work after SPL.

Where a member of staff is required to repay the non-statutory part of SPP, he/she will be contacted by a member of HR to discuss the process for repayment of Enhanced University SPP.

4.3 Statutory Shared Parental Pay Scheme

4.3.1 Eligibility
To be eligible for the Statutory Shared Parental Pay (ShPP) Scheme, both parents must meet certain eligibility criteria, as defined below:

**Mother’s eligibility for ShPP**

The mother is eligible for ShPP if she:
- has at least 26 weeks' continuous employment ending with the 15th week before the Expected Week of Childbirth, or the week of notification of matching with a child for adoption, and remains in continuous employment with the University until the week before any period of ShPP that she gets;
- has normal weekly earnings for a period of eight weeks ending with the 15th week before the Expected Week of Childbirth (or, for adoptions, for a period of eight weeks ending with the week of notification of matching), of at least the lower earnings limit for National Insurance Contribution purposes;
- has, at the date of the child’s birth or date of placement for adoption, the main responsibility, apart from the partner, for the care of the child;
- is absent from work and intends to care for the child during each week in which she receives ShPP; and
- is entitled to Statutory Maternity Pay/Statutory Adoption Pay in respect of the child, but the Maternity/Adoption Pay period has been reduced.

In addition, for the mother to be eligible for ShPP, the partner must:
- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the Expected Week of Childbirth;
- have, at the date of the child's birth or date of placement for adoption, the main responsibility, apart from the mother, for the care of the child; and
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks.

**Partner’s eligibility for ShPP**

The partner is eligible for ShPP if he/she:
- has at least 26 weeks' continuous employment ending with the 15th week before the Expected Week of Childbirth, or the week of notification of matching with a child for adoption, and remains in continuous employment with his/her employer until the week before any period of ShPP that he/she gets;
- has normal weekly earnings for eight weeks ending with the 15th week before the Expected Week of Childbirth (or, for adoptions, for a period of eight weeks ending with the week of notification of matching), of at least the lower earnings limit for National Insurance Contribution purposes;
- has, at the date of the child's birth or date of placement for adoption, the main responsibility, apart from the mother, for the care of the child; and
- is absent from work and intends to care for the child during each week in which he/she receives ShPP.
In addition, for the partner to be eligible for ShPP, the mother must:

- have been employed or been a self-employed earner during at least 26 of the 66 weeks immediately preceding the Expected Week of Childbirth or the week of notification of matching;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks;
- have, at the date of the child's birth or date of placement for adoption, the main responsibility, apart from the partner, for the care of the child; and
- be entitled to Statutory Maternity Pay, Statutory Adoption Pay or Maternity Allowance in respect of the child, but the Maternity/Adoption Pay period or Maternity Allowance period has been reduced.

In addition to the above criteria, the member of staff must provide the appropriate notifications (see Section 5, below) in order to be eligible for ShPP.

### 4.3.2 Statutory Shared Parental Pay Entitlement

Statutory Shared Parental Pay (ShPP) is available for eligible parents to share between them while on SPL. The number of weeks’ ShPP available to the parents will depend on how much Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA) the mother/adopter has been paid when her maternity/adoption leave or pay period ends.

A maximum of 37 weeks’ ShPP is available to be shared between the parents.

Any ShPP due during SPL will be paid at a weekly rate set by the Government for the relevant tax year, or at 90% of the employee’s average weekly earnings, if this figure is lower than the Government’s set weekly rate.

It is up to the parents to decide who is paid the ShPP and how it is apportioned between them.

### 5. Notification and Booking of Shared Parental Leave

5.1 The notification that the parents must give to the relevant employer to be able to take SPL are made up of three elements:

- **Maternity/Adoption Leave Curtailment Notice** from the mother, setting out when she propose to end her maternity/adoption leave (unless the mother has already returned to work). Please use Form B1 (for births) and Form A1 (for adoptions).
- **Notice of Entitlement and Intention** from the member of staff who intends to take SPL, giving an initial non-binding indication of each period of SPL that he/she is requesting. Please use Form B3 (Mother) or Form B4 (Partner), for births, and Form A3 (Adopter) or Form A4 (Partner) for adoptions.
- **Period of Leave Notice** from the member of staff, setting out the start and end date of each period of SPL that he/she is requesting. Please use Form B5 (for births) or Form A5 (for adoptions).
5.2 The relevant notice periods for each type of notice are set out in the sections below, and it should be noted that these are the minimum required by law. However, the earlier the member of staff informs their line manager of his/her intentions, the more likely it is that the University will be able to accommodate the member of staff’s wishes in cases where he/she wants to take periods of discontinuous leave. Early informal discussions of SPL are encouraged by the University (see Section 6, below).

5.3 Where a member of staff has already decided the pattern of SPL that they would like to take, they can submit more than one type of notice at the same time. For example, the mother could provide a Maternity Leave Curtailment Notice, Notice of Entitlement and Intention and Period of Leave Notice at the same time. Similarly, the partner could provide his/her Notice of Entitlement and Intention and Period of Leave Notice at the same time.

5.4 Where the University has reason to suspect that fraudulent information has been provided or where HMRC have informed the University that a fraudulent claim was made, the University will investigate the matter further in accordance with the University’s Discipline Ordinance, and also without acting in a discriminatory manner in relation to any of the protected characteristics defined in the Equality Act 2010.

5.5 **Notice of Curtailment of Maternity/Adoption Leave**

Before the mother or partner can take SPL, the mother must either return to work before the end of her maternity/adoption leave (by giving the required eight weeks’ notice of her planned return) or provide her employer with a maternity/adoption leave curtailment notice.

The maternity/adoption leave curtailment notice must be in writing and state the date on which maternity/adoption leave is to end. That date must be:

- (for maternity leave) after the compulsory maternity leave period, which is the two weeks after birth;
- (for adoptions) after at least two weeks’ of adoption leave;
- at least eight weeks after the date on which the mother gave the maternity/adoption leave curtailment notice to her employer; and
- at least one week before what would be the end of the additional maternity/adoption leave period.

The mother must provide her maternity/adoption leave curtailment notice at the same time she provides either her notice of entitlement and intention, or a declaration of consent and entitlement signed by the mother confirming that her partner has given his/her employer a notice of entitlement and intention.

The mother can withdraw her notice curtailing her maternity/adoption leave in limited circumstances. The withdrawal of a leave curtailment notice must be in writing and can be given only if the mother has not returned to work. The mother can withdraw her leave curtailment notice if:
• it is discovered that neither the mother nor the partner are entitled to SPL or ShPP and the mother withdraws her leave curtailment notice within eight weeks of the date on which the notice was given;
• the leave curtailment notice was given before the birth or date of placement for adoption of the child and the mother withdraws her leave curtailment notice within six weeks of the child’s birth or placement for adoption; or
• the partner has died.

5.6 Notice of Entitlement and Intention

Both parents must provide their employer with a non-binding Notice of Entitlement and Intention. This notice must be in writing and must be provided at least eight weeks before the start date of the first period of SPL to be taken by the member of staff.

The mother’s Notice of Entitlement and Intention must include a declaration signed by her partner.

The partner’s Notice of Entitlement and Intention must include a declaration signed by the mother.

5.7 Booking SPL: Period of Leave Notice

To take a period of SPL, the member of staff must provide the University with a written notice setting out the start and end dates of each period of SPL requested in that notice.

A Period of Leave Notice must be given not less than eight weeks before the start date of the first period of SPL requested in the notice. The notice may be given at the same time as a Notice of Entitlement and Intention and can be a request for a continuous period of leave or discontinuous periods of leave.

5.7.1 Variation or cancellation of Period of Leave Notice

A member of staff can vary or cancel his/her proposed SPL dates following the submission of a Period of Leave notice, provided that he/she provides the University with a written notice not less than eight weeks before any period of leave varied or cancelled by the notice is due to commence.

The written notice can:

• vary the start date or the end date of any period of shared parental leave or cancel a request for leave;
• request that a continuous period of leave become discontinuous periods of leave; or
• request that discontinuous periods of leave become a continuous period of leave.

Any variation or cancellation notification made by the member of staff, including notice to return to work early, will usually count as a new notification, reducing the member of staff’s number of
permitted notifications by one. 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 member of staff being agreeable to the change, will not count as further notification.

Any variation to leave will be confirmed in writing by the University.

5.7.2 Limit on number of requests for leave

The member of staff can provide a combined total of up to three Period of Leave Notices or variations of Period of Leave notices per pregnancy/adoption.

5.7.3 Continuous period of SPL

If the member of staff submits a Period of Leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

5.7.4 Discontinuous periods of SPL

The member of staff may submit a Period of Leave notice requesting discontinuous periods of leave. For example, the mother and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities (e.g. the mother takes 1 month of SPL, then the partner takes 1 month SPL, and then the mother takes a further 1 month).

If the member of staff submits a Period of Leave notice requesting discontinuous periods of leave, the University, in the two weeks beginning with the date the Period of Leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

All requests for discontinuous leave will be carefully considered by the relevant manager, weighing up the potential benefits to the member of staff and to the University against any adverse operational impact. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another member of staff to be granted a similar pattern of SPL.

If agreement is reached within those two weeks, the member of staff is entitled to take the leave on the dates agreed.

If no agreement has been reached within that two-week discussion period, the member of staff is entitled to take the leave as one continuous period of leave. In that event, the member of staff must choose a start date for the leave that is at least eight weeks from the date on which the Period of Leave notice was originally given. The member of staff must notify the University of that date within five days of the end of the two-week discussion period. If the member of staff does not
choose a start date within five days of the end of the two-week discussion period, the period of continuous leave will start on the date of the first period of leave requested in the Period of Leave notice.

Alternatively, if the University has refused the request or no agreement has been reached during the two-week discussion period, the member of staff may withdraw a Period of Leave notice requesting discontinuous periods of leave. The member of staff can withdraw a Period of Leave notice at any time on or before the 15th day after the Period of Leave notice was given.

A notice for discontinuous leave that has been withdrawn before it is agreed does not count towards the total number of requests for leave that an employee can make.

6. **Responding to a Shared Parental Leave Notification**

6.1 A member of staff who is considering taking or would like to take SPL is encouraged to contact their line manager to arrange an informal discussion as early as possible. The purpose of this discussion will be to ensure the member of staff has information regarding their potential entitlement for SPL and has an opportunity to talk about their plans.

6.2 When a notice of entitlement and intention to take SPL is received, the line manager may seek to arrange an informal discussion with the member of staff to talk about their intentions in terms of how they expect to use their SPL entitlement.

6.3 Once a Period of Leave notice is received by the line manager and HR, it will be dealt with as soon as possible, and a response will normally be provided no later than 14 days after the leave request was received.

6.4 Where a notice for continuous leave is submitted, the dates of the leave will be confirmed in writing by HR.

6.5 Requests for discontinuous leave may be granted in full or in part. For example, the University may propose a modified version of the request. The University may also refuse a request for discontinuous leave (see Section 5.7.4, above). Following confirmation of the outcome of the request, the dates of the agreed leave will be confirmed in writing by HR.

6.6 Upon receiving a Period of Leave notice, the line manager will usually arrange an informal meeting to discuss it. Where a notice is for a single period of continuous leave, or where a request for discontinuous leave can without further discussion be agreed as stated in the Period of Leave notice, a meeting may not be necessary.

6.7 Where an informal meeting to discuss SPL is arranged, it should take place in private and be arranged in advance. The purpose of the meeting will be to discuss in detail the leave proposed and what will happen while the member of staff is away from work. Where the request is for discontinuous leave, the discussion may also focus on how the leave proposal could be agreed,
whether a modified arrangement would be agreeable to the employee and the University, and what the outcome may be if no agreement is reached.

7. **Pensions and Benefits**

7.1 Employer and staff pension contributions continue during Shared Parental Leave, as long as contractual pay or Statutory Shared Parental Pay is payable.

7.2 Where a member of staff is on unpaid Shared Parental Leave, employer pension contributions will normally stop unless the member of staff opts to continue to contribute to the relevant pension scheme.

7.3 During Shared Parental Leave, employee contributions will be calculated as a percentage of Shared Parental Pay (i.e. actual pay). However, employer contributions will be calculated on the staff member’s normal rate of pay. The University will also pay the shortfall in employee contributions (i.e. the difference between the employee’s contribution based on Shared Parental Pay and the employee’s normal contribution based on their normal rate of pay) so that full employee contributions are made during the paid period of Shared Parental Pay.

7.4 Any unpaid Shared Parental Leave which follows a period of paid Shared Parental Pay does not count as pensionable service (unless the member of staff opts to continue paying employee pensions contributions during the unpaid leave). However, employment during Shared Parental Leave will be treated as continuous.

7.5 A member of staff has the right to full contractual benefits (other than pay) during Shared Parental Leave.

7.6 The University will not deduct pay to cover the cost of providing non-pay benefits to a member of staff on Shared Parental Leave.

7.7 A member of staff on Shared Parental Leave is entitled to receive their normal annual increment, in line with their contract of employment.

7.8 Staff are advised to contact the Pensions Office directly for further information on Pensions and Benefits.

8. **Annual Leave**

8.1 A member of staff will continue to accrue their contractual annual leave entitlement during SPL. For a full-time member of staff, the contractual annual leave entitlement is 38 days annual leave per year (made up of 24 days holiday, 6 closure days and 8 bank holidays). This entitlement is prorated for part-time staff.

8.2 Any annual leave accrued before SPL should be taken before SPL starts, wherever possible.
8.3 A member of staff who is planning to take a period of SPL is required to speak to their line manager before they begin their SPL to discuss their plans to use annual leave which will be accrued during SPL. This discussion is required to aid operational resource planning.

8.4 There are a number of options for using annual leave, which a member of staff and line manager may wish to consider:

- A member of staff may wish to consider taking accrued annual leave immediately before SPL begins or immediately after SPL ends, but before they return to work.
- A member of staff may carry over any unused annual leave into the next leave year.
- Where a member of staff has any unused annual leave at the end of the holiday year in which they return to work, they may request to be paid for the unused annual leave. The line manager must make HR aware of any such agreement and HR will advise the Payroll Office of the payment to be made.
- A member of staff can agree with their line manager any other suitable arrangement that meets the needs of the member of staff and the operational requirements.

8.5 Any request for annual leave will require agreement, in advance, from a line manager.

8.6 In line with legislation, a member of staff cannot take annual leave during a period of SPL.

9. Hardship

9.1 Where a member of staff is suffering substantial and unforeseen financial hardship during a reduced pay or unpaid period of SPL, they may write to the Pro-Vice-Chancellor (Resources) to request additional pay.

9.2 The member of staff must:

- write a statement outlining the details (and if possible, provide evidence) of their substantial and unforeseen financial hardship while receiving reduced pay or no pay during SPL;
- confirm that they will return to work after SPL;
- state the amount of financial assistance they are requesting;
- ask their Head of Department/Director of Administration (as appropriate) to write a statement to support their request; and
- send the above to the Pro-Vice-Chancellor (Resources)

9.3 Where a member of staff is granted additional pay but does not return to work after SPL, the University may reclaim the additional pay.

9.4 The Pro-Vice-Chancellor (Resources) will consider requests for additional pay during SPL and an answer will be sent to the member of staff, in writing, normally within 10 working days from receipt of the request.
9.5 No combination of Shared Parental Leave Pay and Additional (hardship) pay will exceed full pay.

9.6 There is no right of appeal. The decision of the Pro-Vice-Chancellor (Resources) is final.

10. **Shared Parental Leave in Touch (SPLIT) days**

10.1 The University recognises the importance of keeping in touch with staff to ensure a smooth transition back into the workplace after SPL.

10.2 A line manager will maintain reasonable contact with a member of staff while they are on SPL. This contact will include notifying the member of staff of relevant training events or consulting with them regarding changes happening at work. Line managers and staff should discuss in advance of the start of SPL the type of contact there will be during SPL to ensure that it is appropriate.

10.3 A member of staff can agree to work for the University (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end, or affecting their right to claim Statutory Shared Parental Pay for that week. These days are known as ‘Shared Parental Leave in Touch’ (SPLIT) days.

10.4 Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.

10.5 A member of staff is not obliged to undertake any work or training during their period of SPL. The University has no right to require the member of staff to carry out any work, and is under no obligation to offer the member of staff any work, during the member of staff’s period of SPL.

10.6 SPLIT days can be taken at any point during the SPL period.

10.7 SPLIT days are paid at the member of staff’s normal rate of pay. If a SPLIT day occurs during a week when the employee is receiving half pay or Statutory Shared Parental Pay, this will be effectively ‘topped up’ so that the member of staff receives full pay for the relevant day.

10.8 Any SPLIT days worked do not extend the period of SPL.

10.9 Line managers should contact HR to notify them of the arrangements for SPLIT days. Details of SPLIT days will be confirmed in writing by HR. Payment for SPLIT days will then be arranged by the Payroll Office.

11. **Returning to work after Shared Parental Leave**

11.1 The member of staff has the right to resume working in the same job when returning to work from Shared Parental Leave if the period of leave, when added to any other period of Shared Parental Leave, Statutory Maternity Leave, Statutory Adoption or Statutory Paternity Leave taken by the member of staff in relation to the same child, is 26 weeks or less.

11.2 If the member of staff is returning to work from Shared Parental Leave and the period of leave taken is more than 26 weeks, when added to any other period of Shared Parental Leave, Statutory
Maternity, Statutory Adoption or Paternity Leave taken in relation to the same child, or was the
last of two or more consecutive periods of statutory leave that included a period of Ordinary
Parental Leave of more than four weeks, or a period of Additional Maternity Leave, the employee
has the right to return to the same job unless this is not reasonably practicable. In these
circumstances, if it is not reasonably practicable for the University to permit a return to the same
job, the member of staff has the right to return to another job that is suitable and appropriate for
him/her.

11.3 If the member of staff wishes to return to work earlier than the expected return to work date, they
may provide a written notice to vary the leave and must give the University at least eight weeks’
otice of their date of early return. This will count as one of the member of staff’s notifications. If
they have already used their three notifications to book and/or to 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.

11.4 A member of staff may make a request to return to work after Shared Parental Leave on a flexible
basis. The line manager should treat the request seriously and sympathetically. Each request
should be considered by the line manager on its merits, balancing it against operational needs and
requirements. Please see the University’s Flexible Working Policy and Procedure for further
details.

11.5 Where a member of staff does not intend to return to work after Shared Parental Leave, they must
give at least the period of notice required by their contract of employment.

11.6 Where a member of staff does not return to work for a minimum of 3 months after Shared
Parental Leave (i.e. the end of the last period of Shared Parental Leave, where leave is taken in
discontinuous blocks), the University may reclaim the non-statutory element of Shared Parental
Pay (see Section 4.2, above).

12. Fixed Term Contracts and Shared Parental Leave

12.1 A member of staff employed on a Fixed Term Contract who takes Shared Parental Leave is
protected in the same way as a member of staff who takes Shared Parental Leave and is employed
on an “open-ended” contract.

12.2 A line manager should carefully consider their actions to ensure that a member of staff does not
suffer a detriment as a consequence of planning to take or taking a period of Shared Parental
Leave.

12.3 Where a Fixed Term Contract is due to expire during Shared Parental Leave, the line manager will
consider whether the contract may be extended beyond the original expiry date.

12.4 A line manager is advised to extend a Fixed Term Contract that is due to expire during Shared
Parental Leave where:
• the contract would have been extended had the Shared Parental Leave not occurred;
• funding for the post is likely to continue past the end date of Shared Parental Leave;
• it would be financially and operationally possible to defer the work being done by the member of staff until after he/she returns from Shared Parental Leave.

12.5 Where a Fixed Term Contract is extended past the end date of Shared Parental Leave, the additional cost will only be met from central funds if no other source of funding is available (e.g. from an external funding body or departmental funds).

12.6 Where a Fixed Term Contract is due to end during Shared Parental Leave and it is not possible to extend the contract, a line manager is advised to contact HR for advice. The line manager (in consultation with HR) will consider and discuss with the member of staff the following options (in order):

1. To offer him/her a suitable alternative post at a commensurate level (where available);
2. To add him/her to the University’s Redeployment register during Shared Parental Leave;
3. To confirm dismissal by reason of redundancy (with a redundancy payment for a member of staff with 2 or more years of service) if no suitable vacancy has become available within the relevant timescales.

13. Redundancy

13.1 The University will not select a member of staff for redundancy on the grounds that they are planning to take or have taken a period of Shared Parental Leave.

13.2 For further details, please refer to the relevant University Redundancy Policy and Procedure.

14. Useful Resources

14.1 Staff may find it useful to familiarise themselves with the information and guidelines provided by the government (https://www.gov.uk/shared-parental-leave-and-pay/overview) and by ACAS (http://www.acas.org.uk).

14.2 Line managers and staff are encouraged to discuss any questions about the Shared Parental Leave Policy and Procedure with a member of HR.
APPENDIX 1  
Shared Parental Leave Procedure  
Roles & Responsibilities

1. Line Manager:

The line manager is responsible for:

1.1 Ensuring that they understand and adhere to the University’s Shared Parental Leave Policy and Procedure, in particular ensuring that a member of staff is not disadvantaged as a result of taking or planning to take Shared Parental Leave.

1.2 Requesting advice from HR as early as possible or at any point with regard to any aspect of the Shared Parental Leave Policy and Procedure.

1.3 Ensuring that Shared Parental Leave issues are dealt with in a fair, sensitive and consistent manner whilst maintaining confidentiality.

1.4 Liaising with HR regarding the repayment of Enhanced University Shared Parental Pay, where a member of staff will not be returning to work after Shared Parental Leave for a minimum of three months.

2. Member of staff

The member of staff is responsible for:

2.1 Providing the correct notifications to their line manager and to HR with regard to Shared Parental Leave, as outlined in the Shared Parental Leave Procedure.

2.2 Ensuring that he/she understands and follows the University’s Shared Parental Leave Policy and Procedure.

2.3 Asking questions of either his/her line manager or HR if he/she is unsure about any aspect of the Shared Parental Leave Policy and Procedure.

3. Division of Human Resources

The Division of Human Resources is responsible for:

3.1 Providing advice and guidance to line managers on the Shared Parental Leave Policy and Procedure, including resource issues, on request.

3.2 Explaining the Shared Parental Leave Policy and Procedure to members of staff, on request.
3.3. Processing Shared Parental Leave notifications and forwarding the relevant information to the Payroll Office, once the necessary checks have been completed.

3.4. Writing and issuing standard Shared Parental Leave letters to members of staff, where required.

3.5. Writing and issuing customised Shared Parental Leave letters to members of staff, where required, ensuring that the matter is dealt with in a sensitive and fair manner.

3.6. Supporting and advising line managers on all contractual issues relating to a member of staff who is due to take/taking Shared Parental Leave, including the ending of a fixed term contract, in line with the Shared Parental Leave Policy and Procedure.

3.7. Liaising with line manager and the Payroll Office regarding Shared Parental Leave in Touch (SPLIT) days.

3.8. Liaising with line managers and the Payroll Office regarding the repayment of Enhanced Shared Parental Pay, where a member of staff will not be returning to work after Shared Parental Leave.

4. Payroll Office

The Payroll Office is responsible for:

4.1 Applying the principle of ‘no detriment’ when administering Shared Parental Pay.

4.2 Processing Shared Parental Leave notifications and paying Shared Parental Pay, in line with the University’s Shared Parental Leave Procedure and the prevailing legislative requirements.

4.3 Providing accurate calculations of Shared Parental Pay on a timely basis, when requested by HR or a member of staff.

4.4 Ensuring that calculations and payment of annual leave are based on a member of staff’s contractual entitlement and ensuring that accrual of annual leave occurs throughout any unpaid period of Shared Parental Leave.

4.5 Arranging the payment of Shared Parental Leave in Touch (SPLIT) days.

4.6 Ensuring that any annual increment due during Shared Parental Leave is paid and that any annual increment payable during Shared Parental Leave is taken into account for the purposes of calculating Shared Parental Pay.

4.7 Providing accurate calculations for repayment of the non-statutory part of Shared Parental Pay on a timely basis, when requested by HR or a member of staff.
4.8 Ensuring that HR are informed of any cases where the Payroll Office plan to contact a member of staff to repay the non-statutory part of Shared Parental Pay, before the member of staff is contacted.

4.9 Ensuring that HR are informed of any cases where the Payroll Office plan to contact a debt collection agency to chase the repayment of the non-statutory part of Shared Parental Pay, before the debt collection agency is contacted.

4.10 Ensuring that staff receive their full contractual benefits throughout Shared Parental Leave and that no money will be deducted from pay to cover the cost of providing non-pay benefits.

5. Pensions Office

The Pensions Office is responsible for:

5.1 Applying the principle of ‘no detriment’ for pension scheme members when they are on Shared Parental Leave.

5.2 Providing advice to line managers and staff on Pensions issues, on request.

5.3 Ensuring that any paid Shared Parental Leave is treated as pensionable service.

5.4 Ensuring that Shared Parental Leave (paid and unpaid) counts as continuous service in regard to pensions and benefits.

5.5 Ensuring that employer pension contributions continue during Shared Parental Leave, as long as contractual pay or Statutory Shared Parental Pay is payable.

5.6 Ensuring the correct level of employer and employee pension contributions are paid throughout Shared Parental Leave.

5.7 Ensuring that staff will receive their full contractual benefits throughout Shared Parental Leave and that no money will be deducted from pay to cover the cost of providing non-pay benefits.

5.8 Ensuring that any annual increment payable during Shared Parental Leave is taken into account for the purposes of calculating pension contributions and benefits.
APPENDIX 2
Abbreviations, Terminology and Definitions

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curtail</td>
<td>Where an eligible mother/adopter brings their maternity/adoption leave and if appropriate pay or allowance entitlement to an end early.</td>
</tr>
<tr>
<td>Continuous leave</td>
<td>A period of Shared Parental Leave that is taken in one block, e.g. four weeks’ leave.</td>
</tr>
<tr>
<td>Discontinuous leave</td>
<td>A period of Shared Parental Leave that is arranged around weeks where the member of staff will return to work, e.g. an arrangement where the member of staff is on Shared Parental Leave for a month, returns to work for a month, and then takes another month of Shared Parental Leave.</td>
</tr>
<tr>
<td>Expected Week of Childbirth (EWC)</td>
<td>The week, starting on a Sunday, during which the mother’s doctor or midwife expects her to give birth.</td>
</tr>
<tr>
<td>Matching Week</td>
<td>The week in which a person is notified of having been matched with a child, which starts on a Sunday and ends on a Saturday.</td>
</tr>
<tr>
<td>Mother</td>
<td>The mother, expectant mother or adopter of the child. Please note that the adopter can be either male or female.</td>
</tr>
<tr>
<td>Partner</td>
<td>The father of the child, or the person who, at the date of the child’s birth or adoption is married to, the civil partner of, or the partner of the mother. This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother’s child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.</td>
</tr>
<tr>
<td>SPP</td>
<td>Shared Parental Pay</td>
</tr>
<tr>
<td>ShPP</td>
<td>Statutory Shared Parental Pay</td>
</tr>
<tr>
<td>SMP</td>
<td>Statutory Maternity Pay</td>
</tr>
<tr>
<td>SPL</td>
<td>Shared Parental Leave</td>
</tr>
</tbody>
</table>
APPENDIX 3
List of Shared Parental Leave Forms

Staff who are intending to take Shared Parental Leave (SPL) are requested to use the following forms (available from the HR website) to provide the required forms of notification:

For Births:

<table>
<thead>
<tr>
<th>FORM B1:</th>
<th>Form for a Mother to curtail her Maternity Leave to take SPL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FORM B2:</td>
<td>Declaration from the Mother that her partner has provided a notice of entitlement and intention to take SPL to his/her employer</td>
</tr>
<tr>
<td>FORM B3:</td>
<td>Form for a Mother to provide a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM B4:</td>
<td>Form for a Partner to provide a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM B5:</td>
<td>Form for a member of staff to provide a period of leave notice to take SPL</td>
</tr>
<tr>
<td>FORM B6:</td>
<td>Form for a member of staff to vary a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM B7:</td>
<td>Form for a member of staff to vary a period of leave notice to take SPL</td>
</tr>
</tbody>
</table>

For Adoptions:

<table>
<thead>
<tr>
<th>FORM A1:</th>
<th>Form for an Adopter to curtail his/her Adoption Leave to take SPL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FORM A2:</td>
<td>Declaration from the Adopter that his/her partner has provided a notice of entitlement and intention to take SPL to his/her employer</td>
</tr>
<tr>
<td>FORM A3:</td>
<td>Form for an Adopter to provide a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM A4:</td>
<td>Form for a Partner to provide a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM A5:</td>
<td>Form for a member of staff to provide a period of leave notice to take SPL</td>
</tr>
<tr>
<td>FORM A6:</td>
<td>Form for a member of staff to vary a notice of entitlement and intention to take SPL</td>
</tr>
<tr>
<td>FORM A7:</td>
<td>Form for a member of staff to vary a period of leave notice to take SPL</td>
</tr>
</tbody>
</table>

Should you have any questions about completing the above forms, please contact HR.
APPENDIX 4
Shared Parental Leave Flowchart

Stage 1: Opting in to Shared Parental Leave and claiming Shared Parental Pay

**MOTHER/ADOPTER (M)**
At least 8 weeks before the start of the first period of SPL, M must give notice to curtail their maternity/adoption leave (unless they have returned to work or will have done so by the time SPL starts) by submitting the following forms to the University/their employer*:
1. Leave Curtailment Notice (Form B1 – for births - or Form A1 – for adoptions) and
2. *Either:*
   • Notice of M’s Entitlement and Intention to take SPL (Form B3 or A3), or
   • Declaration from M that his/her partner has provided a notice of entitlement and intention to take SPL to his/her employer (Form B2 or A2)

*NB. M can withdraw their leave curtailment notice under certain circumstances (see Section 5.5 of the procedure).*

If M did not provide their Notice of Entitlement and Intention along with their Leave Curtailment Notice (above), they must provide this to the University at least 8 weeks before the start of the first period of SPL (using either Form B3 or Form A3).

**FATHER/PARTNER (P)**
At least 8 weeks before the start of the first period of SPL, M must give notice to curtail their maternity/adoption leave (unless they have returned to work or will have done so by the time SPL starts) – see details in left hand box.
At least 8 weeks before the start of the first period of SPL, P must give the University/their employer* Notice of Entitlement and Intention to take SPL (using Form B4 – for births - or Form A4 – for adoptions).

*i.e. where the University is not the employer (in these circumstances individuals should use the forms provided by their own employer)*

See page 25 for a flowchart covering Stage 2: Process for Booking Shared Parental Leave and Pay. Staff may also wish to look at the ACAS process summary.
Stage 2: Booking Shared Parental Leave and Pay

- The mother/adopter must take at least 2 weeks’ maternity/adoption leave before curtailing their leave and beginning SPL
- The father/partner’s SPL can begin any time after birth
- SPL must end no later than one year after the birth/placement of the child.
- A member of staff can book more than 1 period of SPL using the same notice.
- SPL must be taken in complete weeks
- Once booked, SPL can be varied by giving notice (see Section 5.7.1 of the Procedure)
- A member of staff cannot give more than 3 notices to book or vary SPL (with certain exceptions).

At least 8 weeks before the start of any period of SPL, the member of staff must provide a Period of Leave Notice to take SPL (using either Form B5 or Form A5), setting out the start and end dates of each period of SPL requested in that notice.

Period of Leave Notice covers more than one period of SPL (‘discontinuous SPL’):

2 week ‘discussion period’ follows, during which:
- The manager can agree to requested dates/refuse leave requested/propose alternative dates
- Member of staff can withdraw notice, provided agreement not already reached

On or before the 13th day after the day on which the notice was given, has the manager agreed the leave request/agreed alternative dates with the member of staff?

- Yes
- No

Member of staff may withdraw notice no later than the 15th day after it was given. Has the member of staff withdrawn the notice in the time allowed?

- Yes: SPL does not take place, as notice has been withdrawn, and notice does not count towards limit of 3 notices.
- NO: Total amount of leave requested in original notice must be taken in one continuous block. Member of staff may notify the University of the date they want the SPL to start no later than the 18th day after original notice was given (start date must be at least 8 weeks after original notice was given).

Is start date notified within time allowed?

- YES: SPL starts on date notified.
- NO: SPL starts on date of first period of leave requested in original notice.

Did member of staff withdraw notice before dates were agreed?

- NO: SPL begins on dates stated in the Period of Leave Notice.

NO: Member of staff cannot give more than 3 notices to book or vary SPL (with certain exceptions).