Shared Parental Leave
Frequently Asked Questions for Managers

1. **What is Shared Parental Leave?**

   Shared Parental Leave is a new right that will enable eligible mothers, fathers, partners and adopters to choose how to share time off work after their child is born or placed for adoption. Eligible parents will be able to arrange leave in a flexible way, such as take it in turns to have periods of leave to care for the child, and/or take leave at the same time as each other.

   Shared Parental Leave will apply in relation to babies due on or after 5 April 2015. Similar arrangements will apply for adoptive parents, in relation to children placed for adoption on or after 5 April 2015.

2. **How much Shared Parental Leave can a member of staff take?**

   Up to a maximum of 50 weeks' Shared Parental Leave can be shared between the parents. The amount of Shared Parental Leave that the parents can take between them is 52 weeks, minus the amount of Maternity Leave taken by the mother (or the amount of Adoption Leave taken by the Adopter). The compulsory maternity leave period is reserved for the mother, therefore the mother cannot curtail her maternity leave until two weeks after the birth. In an adoption situation, the Adopter must take at least 2 weeks’ adoption leave.

   It is up to the parents to decide how the available shared parental leave entitlement will be shared between them.

   **EXAMPLE:** The mother takes 10 weeks’ maternity leave. This creates 42 weeks of Shared Parental Leave which can be shared between the parents. Of these 42 weeks, the mother’s partner takes 30 weeks’ Shared Parental Leave, and the mother then takes the remaining 12 weeks as Shared Parental Leave.

3. **Can I talk to a member of staff about their plans in terms of Shared Parental Leave?**

   Yes, we encourage managers to have early informal conversations with members of staff about their leave plans. You may wish to arrange an informal meeting with a member of staff when they submit their Notice of Entitlement and Intention (or earlier, if the member of staff indicates they are planning to opt into Shared Parental Leave), to discuss their plans and how they might be accommodated. When a member of staff submits a Period of Leave Notice to actually book some Shared Parental Leave, the manager will usually arrange an informal meeting to discuss the request.

   If the Period of Leave Notice contains a request for discontinuous leave (ie periods of leave interspersed with returning to work), it is important that you discuss the request with the member
of staff within the 2 week period immediately following the date the notice is given. See FAQs 5 and 6, below, for further details.

4. I’ve received a request from a member of staff to take a period of Shared Parental Leave – what should I do next?

If a member of staff from your team sends you a request to take a period of Shared Parental Leave, you should follow the steps outlined below:

a) Firstly, check whether it is a request for continuous leave or discontinuous leave (see FAQ 5, below, for information on the different types of leave).

b) You may wish to arrange an informal meeting with the member of staff to discuss their request.

c) If it’s a request for continuous leave, the University must agree to the member of staff taking the leave on the dates requested. HR will write to the member of staff to confirm the leave dates, and a copy of this letter will be sent to the department.

d) If it’s a request for discontinuous leave, you have a number of options, including agreeing to the leave being taken on the dates requested, agreeing alternative dates with the member of staff, or refusing the leave pattern requested (see FAQ 6, below, for more information). There is a 2 week discussion period for you to consider these options and discuss them with the member of staff. Once you have agreed the outcome, you should notify HR so that the leave arrangements can be confirmed to the member of staff in writing.

If you receive a leave request, particularly where the request is for a discontinuous period of leave, please feel free to contact HR for advice on dealing with the request.

5. What is the difference between continuous leave and discontinuous leave?

Continuous leave is a period of Shared Parental Leave that is taken in one block, eg four weeks’ leave.

Discontinuous leave is a period of Shared Parental Leave that is arranged around weeks where the member of staff will return to work, eg 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.

See FAQ 6, below, for some examples of continuous and discontinuous leave.

6. Do I have to agree to a request for Shared Parental Leave?

If a request is made for one continuous period of leave, the University is obliged to agree to the request, and the member of staff can take the leave on the dates they have requested.
EXAMPLE: A member of staff requests to take 1 August – 30 September as Shared Parental Leave. This is a continuous period of leave, so we are obliged to agree to the member of staff taking the leave on the requested dates.

If you receive a request for a discontinuous period of leave on one Period of Leave Notice, the University can agree the request, agree alternative dates with the member of staff or refuse the pattern of leave requested.

EXAMPLE: A member of staff submits a Period of Leave Notice containing a request to take the following periods of leave: 1 August – 31 August, 1 October – 31 October, and 1 December – 31 December. This counts as a discontinuous leave request, and the University could agree the request, agree alternative dates with the member of staff or refuse the leave pattern requested. The member of staff could also decide to withdraw the request if it cannot be agreed to (and it will not count towards the total number of requests for leave that a member of staff can make, if it is withdrawn before it is agreed). If agreement is not reached within the 2 week period which starts with the date that the Notice is given, then the member of staff will be entitled to take the leave in one continuous block, starting with the date of the first period of leave (so, in the example above, 3 months starting from 1 August). The member of staff can choose an alternative start date for the continuous block of leave, as long as they do so within 5 days of the end of the 2 week discussion period, and the new start date is at least 8 weeks from the date on which the Period of Leave Notice was originally given.

7. How do I handle a request for discontinuous Shared Parental Leave?

Requests for discontinuous period of Shared Parental Leave should be carefully considered by the line 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 Shared Parental Leave.

When you receive a request for leave, either continuous or discontinuous, you may wish to arrange an informal meeting with the member of staff to discuss the request and their plans.

Bear in mind that there is a 2 week discussion period where a request for a discontinuous period of Shared Parental Leave is submitted. The 2 week discussion period starts from the date on which the Period of Leave Notice is given. It is therefore important that requests for leave are dealt with quickly once they have been received.

See FAQ 6, above, for details of the options available to managers when responding to a discontinuous leave request.
If you receive a request for a discontinuous period of Shared Parental Leave, you are advised to contact HR for further advice.

8. **Is there a limit on the number of requests for leave a member of staff can submit?**

   Yes. A 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/adooption.

9. **How do I arrange cover for a member of staff who is going on Shared Parental Leave?**

   If someone in your team is going to opt into the Shared Parental Leave scheme, you will need to consider how their work will be covered while they are away from the workplace. You’ll need to bear in mind that Shared Parental Leave can be taken more flexibly than, for example, maternity leave – so the member of staff may not be away from work for one continuous period of leave. They may return to work, and then decide to have a further period of leave at a later date, as long as they give you 8 weeks’ notice of each block of leave and all the leave is taken within the first year following birth or adoption.

   You can cover the leave in a number of different ways:

   - There may be another member of staff in your team who could undertake the role temporarily, as a development opportunity, or the duties could be allocated to several members of staff in the team. If this involves staff undertaking a role or duties at a higher grade than their current grade, please contact HR to discuss putting an appropriate acting-up arrangement in place.
   - If you don’t have anyone in your existing team to cover the absence, or your arrangements leave another gap, you can seek approval to recruit a new member of staff to cover the Shared Parental Leave (you may decide to offer this as a secondment opportunity within the University). If you know that the member of staff is going to be absent for a relatively short period (eg less than 12 weeks), you might want to consider engaging a temporary worker via Unitemps, depending on the nature of the work.
   - Members of staff taking Shared Parental Leave can undertake up to 20 days paid work during their leave, known as Shared Parental Leave in Touch (SPLIT) days. In some cases, staff may be willing to use their SPLIT days during a period of leave to effectively work part time (eg two or three SPLIT days per week), allowing them to continue to undertake part of their role whilst on leave. However, please bear in mind that staff are not obliged to undertake SPLIT days, and equally the University is not obliged to agree to a request for a SPLIT day.

   If you would like some advice on recruiting a Shared Parental Leave cover post, please contact our dedicated Recruitment Team on (0116) 252 5639 or recruitment@le.ac.uk.
10. Can a member of staff undertake work whilst they’re on Shared Parental Leave?

A member of staff can agree to undertake work or attend training for up to 20 days during Shared Parental Leave without bringing their period of Shared Parental Leave 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. The 20 SPLIT days which can be taken during Shared Parental Leave are in addition to the ten KIT days which can be taken during Maternity or Adoption Leave.

Staff are not obliged to undertake any work or training during Shared Parental Leave, and equally the University is under no obligation to offer staff any work whilst they are on Shared Parental Leave. SPLIT days should be agreed in advance between a member of staff and their manager.

11. Will a member of staff accrue annual leave whilst they’re on Shared Parental Leave?

Yes, staff will accrue their contractual annual leave entitlement whilst they are on a period of Shared Parental Leave. For full-time staff, this is 24 days, plus 8 bank holidays and 6 closure days (38 days in total); the entitlement is pro-rated for part time staff.

Prior to going on leave, staff are required to discuss and agree with their line manager how they will take their accrued annual leave, and options for annual leave are set out in Section 8 of the Shared Parental Leave Procedure.

More questions?

If you have further questions about Shared Parental Leave, please get in touch with HR by calling (0116) 252 2439 or emailing us on hradvice@le.ac.uk.