Shared Parental Leave
Frequently Asked Questions for Staff

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. Am I eligible to take Shared Parental Leave?

For members of staff to be eligible to take Shared Parental Leave, both parents must meet certain eligibility requirements. Section 3 of the University’s Shared Parental Leave Procedure sets out the eligibility criteria in detail.

You can use the government’s online calculator to work out if you are eligible to take Shared Parental Leave: https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child.

If you have any questions about your eligibility for Shared Parental Leave, please contact HR (telephone extension 2439 or email hradvice@le.ac.uk).

3. Can I take Shared Parental Leave if I am adopting a child?

Yes, Shared Parental Leave applies to adoptions. Adoptive parents can take Shared Parental Leave where they meet the eligibility criteria as defined in Section 3 of the University’s Shared Parental Leave Procedure.

4. Can same-sex partners take Shared Parental Leave?

Yes. You can share leave with your spouse, civil partner or partner. Partner is defined as someone (whether of a different sex or the same sex) who lives with you in an enduring family relationship (but who is not your child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew).

5. If my partner is self-employed, can I still take Shared Parental Leave?

Yes, you can be eligible to take Shared Parental Leave if your partner is self-employed, as long as your partner meets the relevant requirements relating to employment and earnings, and you also meet the relevant eligibility criteria.
Your partner must have:

- been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of childbirth (or the week of notification of matching for adoption); and
- have average weekly earnings that meets the earnings threshold in force at the time.  

For example, if the mother of a child is self-employed and eligible for maternity allowance (the test for entitlement to maternity allowance is the same as the employment and earnings test above for Shared Parental Leave), the father, or the mother’s partner, can take Shared Parental Leave, provided that he or she meets the eligibility requirements. The mother would have to curtail her entitlement to maternity allowance. The mother would not be entitled to take Shared Parental Leave in her own right if she is not an employee.

Similarly, if the father of a child or the mother’s partner is self-employed and meets the employment and earnings test, the mother can take Shared Parental Leave provided that she meets the eligibility requirements. While the mother will not be able to share the leave with her partner if he or she is not an employee, the mother may choose to curtail her Maternity Leave and take Shared Parental Leave instead, so that she can take her leave in a more flexible way, ie in more than one block.

6. **Do I still need to take Maternity Leave or Adoption Leave, if I am planning to opt into the Shared Parental Leave system?**

Yes. Mothers will need to take a minimum of 2 weeks Maternity Leave immediately following the birth of the child (known as the Compulsory Maternity Leave period), before they can curtail their Maternity Leave and opt into the Shared Parental Leave system.

Adopters will also have to take at least 2 weeks Adoption Leave before they can curtail their Adoption Leave and opt into the Shared Parental Leave system.

7. **Can I take Paternity Leave as well as Shared Parental Leave?**

Yes. If you are eligible, you will still be able to take up to two weeks' Ordinary Paternity Leave within the first 56 days following the child’s birth or adoption, in addition to any entitlements under Shared Parental Leave. However, you cannot take Paternity Leave if you have already taken a period of Shared Parental Leave in relation to the same child. Therefore, if you intend to take both Paternity Leave and Shared Parental Leave, the period of Paternity Leave must come first.

The option to take Additional Paternity Leave is only available to parents of children due to be born, or placed for adoption, on or before 4 April 2015. The new Shared Parental Leave arrangements will replace Additional Paternity Leave.
8. **How do I arrange to take Shared Parental Leave?**

If you would like to take Shared Parental Leave, and you have checked that you meet the eligibility criteria, you will need to take the following steps:

- **If you are the Mother or the Adopter:**
  - If you haven’t already returned to work from your maternity/adoption leave, you need to fill out a Maternity Leave or Adoption Leave Curtailment Notice (Form B1, for births, or Form A1, for adoptions). Send this to your line manager and to HR, along with either the Notice of Entitlement and Intention or the Declaration (see below).
  - At the same time as submitting your Maternity Leave or Adoption Leave Curtailment Notice, you must submit a Notice of Entitlement and Intention (Form B3, for births, or Form A3, for adoptions). If you don’t intend to take any Shared Parental Leave (eg if your partner is going to be taking all of the Shared Parental Leave entitlement), you must submit a Declaration that your partner has submitted a Notice of Entitlement and Intention to his/her employer (Form B2, for births, or Form A2, for adoptions) along with your Maternity Leave or Adoption Leave Curtailment Notice.
  - If you have already returned to work after maternity or adoption leave, you don’t need to submit a Maternity Leave/Adoption Leave Curtailment Notice. You will still need to submit either a Notice of Entitlement and Intention, or a Declaration, as above.
  - To book a period of leave, you must submit a Period of Leave Notice (Form B5, for births, or Form A5, for adoptions), giving at least 8 weeks’ notice of the start date of the first period of Shared Parental Leave. Please send this form to your line manager and HR.

- **If you are the Partner***:
  - You will need to complete a Notice of Entitlement and Intention (Form B4, for births, or Form A4, for adoptions) and submit this to your line manager and HR at least 8 weeks before the first period of leave.
  - To book a period of leave, you must submit a Period of Leave Notice (Form B5, for births, or Form A5, for adoptions), giving at least 8 weeks’ notice of the start date of the first period of Shared Parental Leave. Please send this form to your line manager and HR.

*Partner for these purposes 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.

There is also a flowchart in Appendix 4 of the [Shared Parental Leave Procedure](#) which sets out the process you will need to follow, and you may find it helpful to refer to this. All the forms referred to above are available on the HR website under [Shared Parental Leave](#).

9. **How much Shared Parental Leave will I be entitled to 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.

**10. Can my partner and I be on Shared Parental Leave at the same time?**

Yes, under the Shared Parental Leave arrangements, you and your partner can both take a period of Shared Parental Leave to care for your child at the same time, as long as you meet the eligibility and notice requirements.

**11. How much Shared Parental Leave Pay will I receive?**

This depends on whether you meet the eligibility criteria for (a) Enhanced University Shared Parental Pay and/or (b) Statutory Shared Parental Pay. Details of the eligibility criteria can be found in Section 4 of the Shared Parental Leave Procedure.

Details of the two pay schemes are provided below:

(a) **Enhanced Shared Parental Pay**

Where staff meet the eligibility criteria for Enhanced University Shared Parental Pay (SPP), they will receive 8 weeks’ full pay, inclusive of any Statutory Shared Parental Pay, followed by 16 weeks’ half pay, plus any Statutory Shared Parental Pay.

Staff will only be entitled to receive Enhanced University SPP during the first continuous period of Shared Parental Leave. 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.
(b) Statutory Shared Parental Pay

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, Statutory Adoption Pay or Maternity Allowance 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 Statutory Shared Parental Pay and how it is apportioned between them.

12. Can the University refuse my request for a particular pattern of Shared Parental Leave?

This depends on the pattern of leave that you have requested when providing a Period of Leave Notice.

If you submit a valid Period of Leave Notice requesting one continuous period of leave, the University must allow you to take the period of leave on the dates you have requested, as long as you give 8 weeks’ notice of the leave. Continuous Leave is a period of Shared Parental Leave which is taken in one continuous block, eg 4 weeks.

Discontinuous Leave is a period of Shared Parental Leave that is arranged around weeks where the member of staff will return to work, eg one notice requesting two weeks' leave beginning on 1 June, four weeks' leave beginning on 1 August and four weeks' leave beginning on 1 December.

If you submit 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.

If no agreement has been reached within that two-week discussion period, you are entitled to take the leave as one continuous period of leave (eg 10 weeks continuous leave, in the example given above). In that event, you 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. You must notify the University of that date within five days of the end of the two-week discussion period. If you do 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 (in the example given above, the leave would start on 1 June).

Alternatively, if the University has refused the request or no agreement has been reached during the two-week discussion period, you may withdraw a Period of Leave notice requesting
discontinuous periods of leave. You 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 you can make.

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

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

14. **What is a Shared Parental Leave in Touch (SPLIT) day?**

You can agree to undertake work or attend training for up to 20 days during Shared Parental Leave without bringing your period of Shared Parental Leave to an end, or affecting your 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 10 KIT days which can be taken during Maternity or Adoption Leave.

You are not obliged to undertake any work or training during Shared Parental Leave, and equally the University is under no obligation to offer you any work whilst you are on Shared Parental Leave. SPLIT days should be agreed in advance with your manager.

With the agreement of your manager, SPLIT days can be taken either as single days, or as a block of several days together. Any work carried out on a day or part of a day shall constitute a day’s work for these purposes.

SPLIT days are paid at your normal rate of pay. If a SPLIT day occurs during a week when you are receiving half pay or Statutory Shared Parental Pay, this will be effectively ‘topped up’ so that you receive full pay for the relevant day.

15. **How do I arrange to take a Shared Parental Leave in Touch (SPLIT) day?**

When you have agreed with your line manager that you will take a SPLIT day (or days), your manager should contact HR to notify them of the relevant date(s) when you’ll be undertaking work or training. HR will then write to you to confirm the arrangements for your SPLIT day(s), and Payroll will arrange for a payment to be made to you, where relevant.

16. **Will I accrue annual leave while I am on Shared Parental Leave?**

Yes, you will continue to accrue your contractual annual leave entitlement whilst you are taking a period of Shared Parental Leave (38 days per year for full-time staff, pro-rated for part-time staff). Before you go on Shared Parental Leave, you should discuss with your manager how you will use
your accrued annual leave. Please see Section 8 of the Shared Parental Leave Procedure for further details.

Shared Parental Leave Examples

Some examples of Shared Parental Leave scenarios are provided below. Please note that these examples are purely illustrative, and staff may request alternative patterns of leave.

Example 1:
The Mother takes 30 weeks of Maternity Leave, beginning four weeks before the baby is born. She has given notice that she will curtail her Maternity Leave after 30 weeks. Her partner takes two weeks of Paternity Leave immediately after the birth, followed by six weeks of Shared Parental Leave. He then goes back to work, while the Mother remains on Maternity Leave. The partner takes a further 16 weeks of Shared Parental Leave once the Mother has finished her Maternity Leave.

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<thead>
<tr>
<th>Mother</th>
<th>Maternity Leave: 30 weeks</th>
<th>At work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner</td>
<td>At work</td>
<td>PL</td>
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</tbody>
</table>

Example 2:
The Mother takes eight weeks of Maternity Leave, and then returns to work. Her partner takes Paternity Leave for two weeks, then returns to work for a four-week period before then starting 40 weeks of Shared Parental Leave.

<table>
<thead>
<tr>
<th>Mother</th>
<th>ML: 8 weeks</th>
<th>At work</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner</td>
<td>At work</td>
<td>PL</td>
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</tbody>
</table>

Example 3:
The Adopter takes 12 weeks of Adoption Leave, and the Partner takes two weeks of Paternity Leave. The parents both return to work. They then decide they would like to take some further leave. The Adopter gives eight weeks’ notice of a 20-week continuous block of Shared Parental Leave, and the Partner gives eight weeks’ notice of a 10-week continuous block of Shared Parental Leave.

<table>
<thead>
<tr>
<th>Adopter</th>
<th>AL: 12 weeks</th>
<th>At work</th>
<th>Shared Parental Leave: 20 weeks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Partner</td>
<td>PL</td>
<td>At work</td>
<td>SPL: 10 weeks</td>
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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.