

SHARED PARENTAL LEAVE POLICY

1. Introduction

Following the approval of the Children and Families Act 2014 a new system of shared parental leave and statutory shared parental pay (ShPP) has been introduced, as set out in the Shared Parental Leave Regulations 2014 which came into force on 1 December 2014. The regulations provide the details for the new right for working parents of children due on or after 5 April 2015 to share parental leave. The Statutory Shared Parental Pay (General) Regulations 2014 also came into force on 1 December 2014 and set out the provisions for pay for the parent or partner/same sex partner.

The University recognises that the purpose of the regulations is to allow an increase in the involvement of all parents and partners/same sex partners.

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2.1 What is Shared Parental Leave?

Shared Parental Leave enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

The birth parent /adopter can choose to bring their maternity leave to an end at any point after the initial two week compulsory maternity leave period following the birth of the child. The parents can then choose how to use the remaining 50 weeks of leave between them. Shared parental leave can be taken by each parent separately or at the same time.

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory Shared Parental Leave (SPL) and statutory Shared Parental Pay (ShPP).

The University recognises that, from time to time, employees may have questions or concerns relating to their shared parental rights. It is the University's policy to encourage open discussion with employees to ensure that questions and problems can be resolved as quickly as possible. Employees should clarify the relevant procedures with the relevant team within the HR department to ensure that they are followed.

2.2 Who is eligible for Shared Parental Leave?

SPL can only be used by two people:

- The birth parent /adopter **and**
- One of the following:
 - the other parent of the child (in the case of birth)or
 - the spouse/partner/ same sex partner of the child's birth parent / adopter.

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

Additionally an employee seeking to take SPL must satisfy each of the following criteria:

- the birth parent /adopter of the child must be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have ended or given notice to reduce any maternity/adoption entitlements;¹
- the employee must still be working for the University at the start of each period of SPL;
- the employee must pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date;
- the employee's partner must meet the 'employment and earnings test' ²
- the employee must correctly notify the University of their entitlement and provide evidence as required.

2.3 The Shared Parental Leave entitlement

Eligible employees may be entitled to take up to a maximum of 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the birth parent/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL. The first two weeks of maternity leave or adoption leave cannot be shared.

A birth parent/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.

¹ Please refer to the government's online calculator <https://www.gov.uk/calculate-your-maternity-pay> to determine your entitlement.

² This requires the partner to have, in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £30 a week in any 13 of those weeks (this is correct as of 2015 but may change annually) ;

If the birth parent /adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than the 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL. This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the birth parent /adopter.

The child's secondary carer should consider using their two weeks' paternity leave before taking SPL. Once SPL has commenced an individual will lose any untaken paternity leave entitlement. SPL entitlement is additional to an individual's paternity leave entitlement.

SPL can commence as follows:

- The birth parent parent can take SPL after they have 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 other parent/partner/same sex partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements

Where a birth parent /adopter gives notice to curtail their maternity/adoption entitlement then the birth parent /adopter's partner/same sex partner can take leave while the birth parent /adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).

If the employee is eligible to receive it, Shared Parental Pay (ShPP) may be paid for some, or all, of the SPL period (see "Shared Parental Pay" below).

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 placement for adoption is lost.

2.4 Notifying the University of an entitlement to Shared Parental Leave

An employee entitled and intending to take SPL must give their Head of Shared Services Department / Faculty PVC notification of their entitlement and intention to take to SPL, at least eight weeks before they can take any period of SPL. The employee should ensure a copy of the notification is sent to the relevant HR team immediately. This notification may be submitted in Welsh or English.

Part of the eligibility criteria requires the employee to provide the University with correct notification. Notification must be provided on the form provided (Appendix A)

2.5 Requesting further evidence of eligibility & Fraudulent claims

The University may, within 14 days of the SPL entitlement notification being given, request:

- the name and business address of the partner's/same sex partner's employer (where the employee's partner/same sex partner is no longer employed or is self employed their contact details must be given instead)
- in the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth).
- in the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

In order to be entitled to SPL, the employee must produce this information within 14 days of the University's request.

The University can, where there is a suspicion that fraudulent information may have been provided or where the University has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the usual disciplinary investigation procedure.

2.6 Discussions regarding Shared Parental Leave

An employee considering/taking SPL is encouraged to contact their designated HR team to arrange an informal discussion as early as possible regarding their potential entitlement, to talk about their plans and to enable the University to support the individual.

The HR representative and line-manager may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with the employee to talk about their intentions and how they currently expect to use their SPL entitlement.

Upon receiving a leave booking notice (Appendix B) the HR representative will usually arrange a 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 approved in the terms stated in the employee's notice booking leave, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged if possible. If an alternative date cannot be arranged then the meeting may be held over the telephone.

At the meeting the employee may, if they wish, be accompanied by a workplace colleague or trade union representative. The employee may use Welsh or English in this meeting.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request 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.

2.7 Booking Shared Parental Leave

In addition to notifying the employer of entitlement to SPL/ShPP, an employee must also give 8 weeks' notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.

The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL can start on any day of the week.

The employee must book SPL by giving the correct notification at least eight weeks before the date on which they wish to start the leave and (if applicable) receive ShPP.

Continuous leave notifications

A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the employer has been given at least eight weeks' notice.

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

Discontinuous leave notifications

A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).

Where there is concern over accommodating the notification, the University or the employee may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets both the needs of the employee and the organisation (see Section 6 above).

The University will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, the employee can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block.

2.8 Responding to a Shared Parental Leave notification

Once the nominated HR team receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the University against any adverse impact to the business.

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 employee to be granted a similar pattern of SPL.

The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part: for example, the University may propose a modified version of the request.

If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to choose when they want the leave period to begin. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

2.9 Variations to arranged Shared Parental Leave

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

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave 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 employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the HR department.

2.10 Statutory Shared Parental Pay (ShPP)

Eligible employees may be entitled to take up to 37 weeks ShPP while taking SPL (that is, 39 weeks less any weeks of statutory maternity pay or adoption pay claimed by either parent). The amount of weeks available will depend on the amount by which the birth parent/adopter reduces their maternity/adoption pay period or maternity allowance period.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

An employee who has been continuously employed in the University's service for a minimum period of twelve months before the expected week of childbirth will also qualify for the University's enhanced maternity leave and pay, which will consequentially enhance the employee's entitlement to Shared Parental Leave and Shared Parental Pay. For the purposes of clarity, the enhanced maternity scheme remains applicable to employees who are the birth parent/adopter only,

and does not extend to employees who are the partner of the birth parent/adopter for the purposes of Shared Parental Leave and Pay.

All other employees receiving ShPP will be paid at a rate set by the Government for the relevant tax year.

2.11 Terms and conditions during Shared Parental Leave

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as use of a company car, laptop, mobile phone and gym membership) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the organisation's contributions will be based on the salary that the employee would have received had they not been taking SPL.

Incremental salary increases will not be affected by shared parental leave and will be implemented upon return from shared parental leave.

If a cost of living award is implemented within the shared parental period, it will be implemented upon return from shared parental leave.

Employees on fixed-term contracts are covered by this policy and associated provisions until the contract expires. ASPP will continue to be paid beyond the contract expiry date via Payroll if eligible.

Shared parental leave shall be considered as part of continuous service with regard to statutory rights.

2.12 Annual Leave

SPL is granted in addition to an employee's normal annual holiday entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

2.13 Contact during Shared Parental Leave

Before an employee's SPL begins, the University will discuss the arrangements for them to keep in touch during their leave. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

2.14 Shared Parental Leave in Touch days (SPLIT days)

An employee can agree to work for the organisation (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental

Leave In Touch" or "SPLIT" days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The University has no right to require the employee to carry out any work, and is under no obligation to offer the employee any work, during the employee's SPL. Any work undertaken is a matter for agreement between the University and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

An employee, with the agreement of the University, may use SPLIT days to work part of a week during SPL. The University and the employee may use SPLIT days to effect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

2.15 Returning to work after Shared Parental Leave

The employee will have been formally advised in writing by the University of the end-date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the University otherwise. If they are unable to attend work due to sickness or injury, the University's normal arrangements for sickness absence will apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the University at least eight weeks notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the organisation does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

If their maternity/paternity/adoption leave and SPL amounts to 27 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return and the employee will still be entitled to return to the same job as they occupied before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.

If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is suitable and appropriate and on terms and conditions no less favourable.

2.16 Special Circumstances and further information

In certain situations an employee's rights and requirements regarding SPL and ShPP may change. In these circumstances the University will abide by any statutory obligations and an employee should clarify any issues or queries with the designated HR team.

3. Family Friendly Provisions

The University will consider all requests for flexible working (please refer to our Flexible Working Procedure.)

The University provides a [Childcare Vouchers scheme](#) to assist with the cost of childcare.

4. Other Useful links

The following is a list of other sources of information which employees might find helpful in understanding their entitlements:

- **Citizen's advice bureau – maternity entitlement -**
http://www.adviceguide.org.uk/england/work_e/work_time_off_work_e/maternity_leave.htm#h_your_right_to_return_to_work_after_maternity_leave
- **NI Direct** - <http://www.nidirect.gov.uk/index/information-and-services/parents/money-and-work-entitlements.htm>
- **ACAS** - Shared Parental Leave & Pay - <http://www.acas.org.uk/index.aspx?articleid=4911>

5. Policy Review

Human Resources will co-ordinate a review of this policy in order to maintain compliance with legislation and good practice. The review will be undertaken in liaison with the recognised trade unions and any proposed amendments will be submitted to the appropriate relevant committee, University Executive and Council if required.

6. Equality Impact Assessment

The University is committed to embedding the Equality Scheme into its policies, procedures and practices. The policy has been equality impact assessed in accordance with this scheme.

7. Welsh Language – Employee Rights

In accordance with the Welsh Language Standards that came into effect on 1 April 2018 employees have the right to use the Welsh language to

- (a) make a complaint
- (b) respond to a complaint or allegation

and employees also have the right to use the Welsh language in meetings where they are the subject of

- (c) complaints and allegations (or have made the complaint)
- (d) disciplinary proceedings
- (e) effective contribution scheme discussions
- (f) individual consultation meetings

A simultaneous translation service from Welsh to English will be provided at the meeting when the meeting cannot be conducted solely in Welsh.

The university has, in conjunction with its recognised trade unions, incorporated the above requirements into all relevant HR policy and procedural documents.