

Introduction

The Shared Parental Leave and Pay arrangements outlined below apply to eligible parents who are expecting a baby which is due on or after 5 April 2015, and to parents who have a child placed with them for adoption on or after that date.

1. What is Shared Parental Leave?

- 1.1 Shared Parental Leave (SPL) provides eligible parents with the opportunity to choose to share between them the care of their child during the first year following the child's birth or adoption. Its purpose is to give parents greater flexibility in considering how to best care for and bond, with their child.

The new rights only apply where the baby is due to be born or is actually placed for adoption on or after 5 April 2015.

The rate of Shared Parental Pay is £148.68 per week or 90% of average weekly earnings if this is lower.

Shared Parental Leave is a deliberate choice that is made by the parents or adopters with an agreement and notification to employers.

The couples have the right to change their minds about sharing.

Before any period of SPL commences, the line manager will discuss with the employee, the most beneficial arrangements as to how contact may be maintained.

1.2 Eligibility

An employee is eligible to take SPL if they are:

- The mother/primary adopter; or
- The father of the child (in the case of a birth); or
- The spouse, civil partner or partner of the child's mother/primary adopter.

AND

- they share the main responsibility for the care of the child with their partner;
- have completed 26 weeks continuous service with the University by either the end of the 15th week before the expected week of childbirth, or by the end of the week in which they were notified they had been matched with their child;
- they will still be employed by the University in the week before the leave is taken;

- they are or their partner is entitled to Statutory Maternity Leave/Statutory Maternity Pay or Maternity allowance, or to Statutory Adoption Leave/Statutory Adoption Pay; and have curtailed this entitlement (see 3.2);
- in addition, the employee's partner must also satisfy the work and earnings requirements (the "joint test"); they must have worked (in an employed or self-employed capacity) in at least 26 of the 66 weeks before the expected week of childbirth or the date of the adoption and had average weekly earnings of at least £30 during 13 of those weeks, not necessarily continuously.

2. Shared Parental Leave

2.1 Shared Parental Leave can commence as soon as;

- the employee, or their partner, has taken at least two weeks Maternity Leave (compulsory Maternity Leave) following the birth of the child or taken at least two weeks Adoption Leave and
- have curtailed their entitlement to Maternity Leave or Adoption Leave by providing at least eight weeks' notice to their employer of their intention to curtail their entitlement to Maternity leave or Adoption leave or returning to work.

2.2 The minimum amount of SPL is one week, the maximum amount of SPL is 50 weeks. The actual amount which can be taken will be 52 weeks less the weeks spent by the child's mother on Maternity Leave (or the weeks in which the mother has been in receipt of SMP or MA if she is not entitled to Maternity Leave) or less the weeks spent by the adoptive primary carer on Adoption Leave. The first two weeks of Maternity Leave or Adoption Leave cannot be shared. SPL must be taken in multiples of complete weeks, maximum three occasions.

If the employee is the child's father or adoptive father, the employee (father) should consider using the enhanced three weeks paid Paternity Leave before taking SPL. SPL entitlement is additional to the Paternity Leave entitlement. Once the father starts SPL, the father will lose any untaken Paternity Leave entitlement.

3. Opting in to Shared Parental Leave and Pay

3.1 Employees must inform the University of their intention to take SPL at least eight weeks before the date they intend to start SPL by completing the necessary form.

3.2 Where the employee is the child's mother and is still on Maternity Leave, the employee must give at least eight weeks written notice (a "curtailment notice") to end their Maternity Leave before their partner can take SPL by completing **SPL 1: Maternity Leave Curtailment Notice**. The other parent may commence SPL from their employer before the mother's Maternity Leave ends, provided the mother has supplied the curtailment notice.

3.3 The curtailment notice is considered binding and may only be revoked where maternity leave has not yet ended and where it becomes apparent that neither parent is entitled to SPL or ShPP or where the other parent has died.

- 3.4 Where the employee is the child's father or the mother's partner, he can only take the SPL once the mother has either;
- returned to work;
 - given her employer a curtailment notice to end her Maternity Leave;
 - given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not Maternity Leave); or
 - given a curtailment notice to the benefits office to end her MA (if she is not entitled to Maternity Leave or SMP).

4. Evidence of Entitlement

The employee must provide a copy of the birth certificate and complete an application form. **(SPL 2 / 3: Notice of Entitlement and Intention to take Shared Parental Leave)**

5. How much Shared Parental Leave can an individual employee take?

The amount of shared parental leave available will be determined by how much Maternity Leave or Adoption Leave the employee or their partner has already taken. To calculate the amount of leave available, the amount of Maternity Leave or Adoption Leave already taken is deducted from the maximum total of 52 weeks. Any leave remaining (up to a total of 50 weeks) may then be shared between the couple.

6. Requested Pattern of Leave

An employee and their partner may choose to take shared parental leave at the same time or at different times as long as the total leave taken does not exceed what is jointly available, up to a maximum of 50 weeks.

All SPL must be taken in blocks of at least one week and must be requested at least eight weeks before the desired commencement date.

An employee has an automatic right to take a continuous block of leave requested in a single notification providing;

- it does not exceed the total number of SPL weeks available to them
- they have given at least eight weeks' notice.

The employee is entitled to apply for up to three blocks of SPL, giving at least eight weeks' notice. **(SPL 4: Booking Notice to take a period of Shared Parental Leave)**

The University will give serious consideration to all requests for discontinuous leave but has the right to refuse them. Each request for discontinuous leave will be considered on a case by case basis and must be of at least one weeks' duration. If the University is unable to agree to the requested pattern of leave, there will be a two week discussion period. At the end of this period, any agreed arrangements will be confirmed in writing. If agreement is not reached, the employee will be entitled to take the full amount of SPL as one continuous block, effective from the start date given in the notice. If the requested leave pattern is refused, the employee can either withdraw it within 15 days of making it or can take the leave in a single continuous block.

The University will respond to all leave booking requests no later than 14 days 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 on a case by case basis. An agreement made in relation to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL. The decision on whether or not to grant SPL will be communicated to the applicant within 14 days of the request.

Where an employee has given notice to book a period of discontinuous leave, that notice may be withdrawn by the employee within the following 2 weeks when agreement has not been given to the proposed pattern of leave. (Such a scenario may arise when the employee's partner cannot agree leave with their own employer.)

Where arrangements have been made to take leave, such arrangements may be varied where eight weeks' notice is given.

A request for Shared Parental Leave and Pay cannot begin before the birth (or placement for adoption) and must be taken within 1 year of the birth or the date that the child was placed with the family (i.e. the day before the child's first birthday or the first anniversary of the placement of an adopted child).

7. Annual Leave

An employee will continue to accrue contractual annual leave entitlement during his / her Shared Parental leave. He / she is encouraged to agree with their line manager when they intend to take their annual leave before the start of their Shared Parental leave and may take their leave before, after or between periods of Shared Parental Leave.

A member of staff is expected, where possible, to take his / her full annual leave entitlement in a particular leave year. However, should this not be possible due to shared parental leave arrangements or exceptional circumstances, he / she will be able to carry over up to the full complement of leave (42 days) to the next leave year, the scheduling of which must be taken by agreement with the Head of School/Department/Unit.

8. Terms and Conditions during Shared Parental Leave

During the period of Shared Parental Leave, the employee's contract of employment remains in force and employees will receive all normal contractual benefits with the exception of salary.

Pension contributions will continue to be deducted as normal whilst the employee is in receipt of salary or Statutory Shared Parental Pay (ShPP). Total contributions will be based on the employee's normal salary, however, the employee will only pay contributions based on the actual payment received. Therefore, the University will make up the difference in the employee's contributions based on the employee's normal salary during the period of paid leave.

If an employee takes unpaid Shared Parental Leave, pension contributions will not be maintained for the period of unpaid leave.

An employee may elect to cease pension contributions before a period of Shared Parental Leave commences. Membership of the pension scheme would be suspended.

Generally, and in line with legislation, Shared Parental Pay is payable up to 39 weeks.

The rate of Shared Parental Pay is £148.68 per week or 90% of average weekly earnings if this is lower.

9. Contact during Shared Parental Leave

It is important that the University maintains reasonable contact with its employees and this is relevant when employees are out of the work place for long periods of time. **Before any period of SPL commences**, the line manager will discuss with the employee, the most beneficial arrangements as to how contact may be maintained.

10. Shared Parental Leave in touch (SPLIT) days

An employee 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 impacting on their right to claim Shared Parental Pay for that week. These are known as Shared Parental Leave in Touch (SPLIT) days. Any work carried out on a day or part of a day constitutes a day's work for these purposes.

Whilst the University may not compel an employee to carry out any work during the employee's SPL, an employee and their manager may agree to use SPLIT days to affect a gradual return to work towards the end of a long period of SPL. An employee taking a SPLIT day will be paid for either a full day or half day depending on the hours worked. If a SPLIT day occurs during a week when the employee is receiving SLPP, this will be effectively made up so that the individual receives full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

11. Shared Parental Pay Entitlement

SPL enables the mother to opt to share any untaken Maternity Leave and Pay entitlement with the child's father or her partner as Shared Parental Leave and Pay instead of Maternity Leave and Pay. For information purposes, the current Maternity Leave and pay provisions for University employees can be found as follows:

<http://www.qub.ac.uk/directorates/HumanResources/annual-family-other-leave/work-life-balance-policies/>

If you have queries regarding any of the above please contact the HR Hub, extension 3000 or email hrrhub@qub.ac.uk.

Revised January 2019