

Scope: All Staff	Effective Date: Apr 2015	Responsible Dept: Human Resources	Equality Impact Assessment: Completed Jan 2015
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SHARED PARENTAL LEAVE POLICY & PROCEDURE

1. Introduction

This document sets out the policy and procedures to be applied to all eligible employees wishing to take Shared Parental leave and pay, following the arrival of their child.

2. Scope

This policy sets out the rights and responsibilities applied to all University employees, full and part-time, permanent and temporary. The Scheme provides for leave and pay, where eligible, to enable mothers, fathers, same-sex partners, partners, adopters and in some cases surrogate parents to choose how to share time off after their child is born or placed.

Shared Parental Leave is available for eligible employees, in relation to babies expected to be born (or placed) on or after 5 April 2015.

Entitlements and responsibilities with regard to Maternity, Paternity (Partner) and Adoption leave and pay are outlined in separate policies and these should be referred to in conjunction with this policy and procedure.

Whilst entitlement to Shared Parental Leave applies equally to adoptive parents and in some circumstances surrogate parents, for ease throughout this document, reference is made mainly to 'maternity' and 'mother'. This should be interpreted to include adoptive and surrogate parents (where eligible).

3. Shared Parental Leave

Mothers who are expecting their babies on or after 5 April 2015 (providing certain conditions are met) will be entitled to bring their maternity leave to an end early and convert the remaining balance into Shared Parental Leave (SPL).

The compulsory period of maternity leave remains in place and therefore as a minimum the mother is required to take two weeks maternity leave, however the remaining 50 weeks can be shared by the mother, father, partner, including same-sex partner or adopter (as appropriate).

SPL can be taken by parents at the same or separate times. However all leave must be taken by the child's first birthday and the total time off (including maternity leave) must not exceed 52 weeks.

SPL must be taken in blocks of no less than one week (or the relevant proportion of the week if the employee works part-time). The maximum number of blocks of leave an employee can take is three, unless otherwise agreed.

4. Eligibility

SPL can be shared between the mother and one other person who must be the father, spouse, civil partner, same-sex partner or someone with whom they are in an enduring relationship (but not an immediate relative).

Each parent (or adopter) needs to meet the qualifying criteria for leave and pay in their own right.

In order to qualify for SPL, the mother must be entitled to Statutory Maternity Leave (SML) and given notice that she wishes to end her SML. For the partner to qualify for SPL, the mother must qualify for either Statutory Maternity Pay (SMP), maternity allowance, or SML, and have ended that pay/ allowance/ leave.

To be eligible for Shared Parental Leave an employee must:

- have caring responsibilities for the child
- have 26 weeks service by the end of the 15th week before the Expected Week of Childbirth (EWC)
- continue to be employed with that employer at the time of the birth
- confirm that their partner meets the employment and earnings test i.e. that their partner has worked for 26 weeks out of the 66 weeks before the baby's due date and have earned at least £30 salary per week for any 13 of those 66 weeks.

5. Notice

5.1 Notice of Entitlement

The mother must give at least eight weeks' notice to bring to an end her maternity leave and pay, confirming she wishes to opt into SPL. Specific information needs to be provided within this notice, and therefore employees should use [SPL Form 1 – Notice to bring Statutory Maternity Leave and Pay to an end.](#)

No less than eight weeks before the start of the first period of SPL the partner must give their written notice of the intention to take SPL. Again specific information is required as part of this notice as well as a written declaration of their entitlement. [SPL Form 2 – Notice of intention to take Shared Parental Leave and Pay](#) is provided for partners to submit this notice.

Parents may vary arrangements by giving at least eight weeks' written notice of any changes they wish to make.

5.2 Notice of Leave

Prior to the start of a period of leave, the mother and her partner must give both employers (if applicable) at least eight weeks' notice of the requested start and end date of a period of leave. For each subsequent period of leave, no less than eight weeks' notice must be given.

Leave can be requested as one continuous block or as discontinuous periods of leave (i.e. to take a period of leave, return to work for a period, before taking a further period of leave).

Parents may request a variation to the period of leave by giving at least eight weeks' written notice of any changes they wish to make. A maximum of three 'notices of leave' will be allowed (this includes any notices to vary).

An employee may 'withdraw' their request on or before the 15th day after the request was originally made and it will not count as one of their three requests.

To ensure you provide all required information, please use [SPL Form 3 – Period of Leave Notice](#).

6. Responding to requests

6.1 Requests for continuous periods of leave

Where one continuous period of leave has been requested (i.e. the period of leave will be taken and then the employee returns to work and takes no further leave), this must be granted.

6.2 Requests for discontinuous periods of leave

Where discontinuous periods of leave are requested, consideration will be given to the practicality of managing workload during a number of periods of absence.

If it is deemed practical to accommodate such a request, the manager should verbally inform the employee and then confirm the agreement to their HR Advisor, who will write to the employee to confirm the arrangements as soon as possible.

Where there are concerns, the manager should meet the employee to discuss the request at the earliest opportunity. In general it is expected that the line manager has had some discussion regarding the request with the employee within fourteen days' of the request being made. The line manager should make the employee aware of any practical concerns they may have, as well as provide an opportunity to explore alternatives with a view to finding a suitable solution.

Line managers should ensure that these discussions take place within a reasonable timescale and that once a decision is made this is communicated to the employee without delay. In all cases a response should be provided to the employee prior to the requested start date of leave.

Whilst our intention would be to reach an agreed solution with regards to the period of leave to be taken, where this is not possible, a request for discontinuous leave may be refused.

If refused an employee may either:

- make an alternative request for leave (providing that they have not already exhausted their three requests), or;
- take the total amount of leave they had requested in one continuous block.
- within 19 days of the original request, the employee is able to choose when the leave period will begin, providing it does not start sooner than 8 weeks from the date the original notification was given. If the employee does not choose this will automatically default to the date the discontinuous leave would have started.

7. Your Contract of Employment

7.1 Status of contract

During any periods of Shared Parental Leave (SPL) your contract of employment continues unless expressly ended or your contract expires. You are entitled to the benefit of (and also bound by the obligations of) your terms and conditions of employment with the exception of remuneration.

You will receive either Statutory Shared Parental Pay (SSPP) or Occupational Shared Parental Pay (OSPP) instead of pay, provided that you meet the qualifying requirements as set out in Section 8. Details of your pension entitlements during shared parental leave are in section 7.2.

You will continue to accrue contractual holiday entitlement during your shared parental leave. Standard procedures apply with regard to taking annual leave entitlement. The effect of this is that five days may be carried over beyond 30 September with line manager's approval, to be taken by mid-January. Any outstanding annual leave in excess of this will be lost, unless the business needs of your department have prevented you from taking it. This will need to be determined by your line manager.

7.2 Pension during shared parental leave

Local Government Pension Scheme

If you are a member of the Local Government Pension Scheme, pension contributions will be collected from your pay during the period of paid shared parental leave. Employee contributions will be based on the actual pay received and employer contributions will be based on normal pensionable pay. Service will count in full during any period that contributions are being paid.

YSJ will only pay employer contributions where the employee pays their employee contributions.

You may also opt to make an Additional Pension Contribution (APC) to cover any lost pension during a period of unpaid shared parental leave. This will be a Shared Cost Additional Pension Contribution (SCAPC) if you opt to do this within 30 days of returning to work. This means that YSJ will share the cost of buying this lost pension. You have the option to pay additional contributions in a one-off lump sum or through regular payments in your wages.

Further information is available on the LGPS website www.lgps2014.org.

Teachers' Pension Scheme

If you are a member of the Teachers' Pension Scheme contributions will continue to be collected from your pay during the paid period of shared parental leave.

If you are not receiving any pay, this period of employment will be classed as days excluded, however, you can make up any shortfall in service by purchasing additional pension in multiples of £250 of annual pension. Information is available on the Teachers' Pension website at www.teacherspensions.co.uk.

7.3 Returning from Shared Parental Leave

You will have the right to return to the same job in which you were employed before absence, with the same terms and conditions (providing your absence has not been more than 26 weeks). If returning after more than 26 weeks leave, you will have the right to return to a job with no less favourable terms and conditions if it is genuinely not reasonably practicable for you to return to your former job.

7.4 Protection against unfair treatment or dismissal

You have the right not to be dismissed or discriminated against for any reason connected with you taking shared parental leave.

8. Shared Parental Pay

8.1 Statutory Shared Parental Pay (SSPP)

To qualify for SSPP, a parent must have earned an average salary of the lower earnings limit or more for the eight weeks' prior to the 15th week before the EWC.

Any remaining entitlement to the 39 weeks Statutory Maternity Pay (SMP) will be paid as SSPP when the maternity leave is brought to an end. SSPP is paid at the standard rate applicable at the time.

The SSPP rate is fixed by law and is subject to deductions of Tax and NI. Please refer to <https://www.gov.uk/shared-parental-leave-and-pay> for more information and for up to date SSPP rates.

8.2 Occupational Shared Parental Pay (OSPP)

You will be eligible for OSPP if you have at least 26 weeks' continuous service by the end of the 15th week before the EWC.

Entitlement to OSPP will be dependent on the number of week's maternity leave being taken. When the maternity leave is brought to an end, any remaining entitlement to maternity pay will be transferred to OSPP.

The first 2 weeks following the birth of the baby must be maternity leave and therefore the earliest that OSPP could start is week 3.

Entitlement to OSPP will depend on the timing of the leave. The starting point of all payment calculations will be the date that the mother commenced maternity leave (which is the start of week 1). The following table shows the entitlement to pay within each week for York St John employees:

Weeks 3-6	Full pay (includes SSPP)
Weeks 7-26	Half pay plus SSPP*
Weeks 27-39	SSPP only
Weeks 40-52	Unpaid

*OSPP is paid in addition to SSPP provided that the payments when combined don't exceed your normal contractual weekly pay.

You don't have to take OSPP but if you do you must return to work for a period of at least 3 months after your shared parental leave. If you do not return for 3 months you will be required to refund your Occupational Shared Parental Pay.

8.3 Taking concurrent leave and pay with your partner

Entitlement to Maternity, Adoption and Shared Parental Pay has to be shared between parents (i.e. each parent does not qualify separately for the full entitlement), as follows:

- Up to 52 weeks of leave (minus no. of weeks leave taken by your partner)
- Up to 39 weeks of pay (minus the no. of paid weeks taken by your partner).

This applies even where only one parent works at YSJ.

For example: If your partner is taking 6 weeks of Shared Parental Leave and Shared Parental Pay, you can take a maximum of 46 weeks' of leave, of which a maximum of 33 weeks can be paid leave (which can be a combination of maternity/adoption and shared parental pay).

To ensure we pay you correctly, we will need to verify with your partners' employer the amount of leave and pay your partner is taking.

9. Shared Parental Leave In Touch Days (SPLIT)

Parents are entitled to work during shared parental leave without bringing to an end the period of leave. Each parent is entitled to work for up to a total of 20 days each. These days are in addition to the KIT days available to a mother during maternity leave (however once a mother has ended her maternity leave any days worked must come out of the SPLIT entitlement).

10. Contact during Shared Parental Leave

The University is entitled to make reasonable contact with you during your shared parental leave. This contact can be to:

- discuss whether or not your planned date of return to work has changed, or is likely to change
- discuss any flexible working arrangements that would make your return to work easier.

You are entitled to make reasonable contact with the University during your shared parental leave.