

Shared Parental Leave and Pay Policy

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Shared Parental Leave and Pay Policy

1 Policy Statement

As a people oriented organisation the University of Strathclyde is committed to supporting colleagues to achieve a balance between work and family life. Shared Parental Leave (SPL) provides a legal entitlement for eligible parents to share statutory leave and pay for newborn babies or children placed for adoption. It provides parents with the opportunity to share up to 50 weeks leave, combining both paid and unpaid leave, to care for their child during the child's first year. In addition to statutory benefits, the University also offers enhanced benefits to those employees who meet the relevant qualifying criteria.

Shared Parental Leave complements the arrangements for maternity, maternity support (paternity) and adoption leave and pay and the separate right to unpaid ordinary parental leave.

2 Purpose of the Policy

The purpose of this policy is to:

- Outline the statutory entitlements of employees who wish to take Statutory Shared Parental Leave and Statutory Shared Parental Pay;
- Outline the provisions the University has made to provide enhanced University Shared Parental Pay and the relevant qualifying criteria;
- Outline management responsibilities for dealing with requests for Shared Parental Leave;
- Outline employee rights and responsibilities prior, during and after periods of Shared Parental Leave.

3 Shared Parental Leave

3.1 Shared Parental Leave Definition and Eligibility

3.1.1 Shared Parental Leave Definition

Eligible employees may be entitled to take up to 52 weeks leave during the child's first year, through a combination of Maternity/Adoption Leave, Paternity Leave and Shared Parental Leave. The amount of Shared Parental Leave available is calculated using the mother's entitlement to Maternity Leave or the adoptive/surrogate parent's entitlement to Adoption Leave (minimum of 2 weeks), which allows parents to take up to the remaining 50 weeks' leave in total between them, e.g. if a mother reduces her maternity leave entitlement, she and/or her partner may opt-in to the Shared Parental Leave system (SPL) and take any remaining weeks as SPL. This means the partner could begin to take SPL while the mother/adopter/surrogate parent is still on maternity/adoption leave, where the appropriate notice of maternity/adoption leave curtailment has been submitted.

In the case of a birth, the mother is required by law to take a minimum of two weeks' maternity leave after the birth of her child, regardless of length of service, following which SPL may be taken. An adopter/surrogate parent must also take a period of at least two weeks leave after the first day of the adoption.

If parents do not choose SPL initially, they have the option to use it at a later date while they are still eligible. For example, six months into a maternity leave period, a mother may choose to reduce her maternity leave by two months, giving their partner the chance to take those two months as SPL (provided the appropriate notification has been provided).

SPL can be taken in continuous or discontinuous blocks, in multiples of complete weeks, up to a maximum of three blocks; discontinuous leave arrangements are subject to discussion and agreement with the University as outlined later in this policy.

If both partners decide to take leave at the same time, the combined leave taken counts against the overall leave entitlement.

A mother or adoptive/surrogate parent is unable to revert back to Maternity or Adoption Leave once they have opted for SPL.

SPL entitlements remain the same irrespective of whether more than one child results from the pregnancy or is placed for adoption.

3.1.2 Shared Parental Leave Eligibility

Shared Parental Leave can only be used by two people, the mother/adopter/surrogate parent and either:

- The father of the child (in the case of birth), or
- The spouse, civil partner or partner of the child's mother/adopter/surrogate parent

Both parents must share the main responsibility for the care of the child at the time of the birth/placement for adoption, and mutually agree to take Shared Parental Leave.

To qualify for SPL a mother/adopter/surrogate parent must:

- have a partner
- have been entitled to statutory maternity/adoption leave, or to statutory maternity/adoption pay or maternity allowance
- have curtailed or given notice to reduce any maternity/adoption entitlements
- still be working for the organisation at the start of each period of SPL, and
- correctly notify the organisation of her entitlement and provide evidence as required

For a partner/spouse to qualify for SPL, they must:

- be an employee
- share the primary responsibility for the child with the other parent at the time of the birth or placement for adoption, and
- have properly notified their employer of their entitlement and have provided the necessary declarations and evidence

In addition, a parent wishing to take SPL is required to satisfy the "continuity of employment test" and their partner must meet the "employment and earnings test":

Continuity of employment test	Employment and earnings test
The individual has worked for the same employer for at least 26 weeks at the end of the 15 th week before the child's expected due date/matching date and is still working for the employer at the start of each SPL period.	In the 66 weeks leading up to the baby's expected due date/matching date, the person has worked for at least 26 weeks and earned an average of at least £30 a week in any 13 weeks (as of 2015)

Sometimes only one parent will be eligible. For example, a self-employed parent will not be entitled to SPL themselves, but they may still pass the employment and earnings test, so their partner, if they are in employment, may still qualify.

Employees have the right to submit up to 3 requests for SPL. A request may be for:

- A single continuous period of leave; or
- Discontinuous leave (multiple periods of leave over a period of time where the employee intends to return to work between each period of leave).

Leave must be taken in multiples of complete weeks.

4 Shared Parental Pay

4.1 University Shared Parental Pay

4.1.1 University Shared Parental Pay

The University offers the option of enhanced University Shared Parental Pay to employees who meet the eligibility entitlement set out below. The University's approach to enhanced Shared Parental Pay:

- a) mirrors our approach to enhanced University Maternity Pay; and
- b) reflects that the UK's Shared Parental Leave legislation enables parents to share the leave and pay available for the first year of the child's life, without creating additional entitlement to paid leave.

Employees qualify for University Shared Parental Pay where the following conditions are met:

- They have been continuously employed by the University for 26 weeks or more at the beginning of the 15th week before the child's expected due date or 26 weeks prior to the matching date. If employed on fixed term contracts, breaks between contracts of one calendar month or less will be discounted for the purposes of calculating entitlement to Shared Parental Leave and Pay.
- They are employees of the University at the child's expected due date/matching date

An employee who meets the above criteria will be eligible for:

- 18 weeks at full pay (inclusive of statutory pay entitlements), less the period taken under the associated Maternity or Adoption Leave arrangements. Where a couple choose to share the use of SPL or take SPL concurrently, the entitlement to enhanced pay will apply in respect to the initial weeks of SPL taken by the couple.
- Thereafter any remaining available SPL would be under the statutory entitlements:
 - Up to 21 weeks at the appropriate [rate](#) of Statutory Shared Parental Pay
 - Up to 13 weeks unpaid leave

4.1.2 Statutory Shared Parental Pay

Mothers and/or adopters/surrogate parents are entitled to up to 39 weeks Statutory Maternity Pay/Maternity Allowance/Statutory Adoption Pay in total. The number of weeks of Statutory Shared Parental Pay available will be dependent on when the mother/adopter chooses to curtail their maternity/adoption leave and therefore what amount of the total 39 weeks of statutory pay is remaining to share.

Statutory Shared Parental Pay may therefore be payable during some or all of SPL, depending on the length and timing of leave. If both parents qualify for Statutory Shared Parental Pay, they must decide who will receive it, or how it will be divided, and they must discuss this with their employers.

Statutory Shared Parental Pay is paid at the rate set annually by the UK Government ([current flat rate](#)) or 90% of your average weekly earnings, whichever is lower.

5 Notification Procedures

5.1 Employee Notification

Employees are encouraged to notify their line manager as soon as possible in relation to their plans to take SPL, so that the manager can begin planning for the anticipated absence.

Employees must provide the University with the correct notification of their intention to take SPL. The statutory SPL regulations specify that an employee must submit an appropriate written declaration (see *Declaration of Entitlement to Shared Parental Leave Form*) at least 8 weeks before intending to commence SPL. Whilst the University does not require specific evidence regarding the partners leave status, the University expects all declarations to be truthful and accurate. Should any declarations be established as untruthful or inaccurate following a thorough investigation, this will constitute gross misconduct under the University's Disciplinary Procedure. Where fraudulent activity is found the University reserves the right to reclaim any payments received from the University or state that the staff member was not entitled to (as well as advise the state accordingly).

If the mother/adopter/surrogate parent is an employee of the University, they can also give notice to curtail their maternity/adoption leave as part of this declaration.

Where both partners are employees of the University, each must submit a separate declaration.

Employees have the right to submit up to 3 requests to book, or vary, SPL. Each request may be for:

- A single continuous period of leave; or
- Discontinuous leave (multiple periods of leave over a period of time where the employee intends to return to work between each period of leave)

5.2 Continuous Leave

“Continuous” SPL is where an employee takes their chosen share of SPL as an unbroken period of leave. Assuming all eligibility criteria have been met, if an employee simply requests one period of continuous shared parental leave, the employee is entitled to take that period of leave.

5.3 Discontinuous Leave

“Discontinuous” SPL is where an employee proposes to take multiple periods of SPL over a period of time, with breaks between the leave where the employee returns to work (while their partner continues to be on SPL). For example, four weeks’ SPL followed by three weeks back at work, followed by a further four weeks’ SPL.

Discontinuous leave, intimated by a single notification, can only be taken with the agreement of the University. Requests for discontinuous SPL will be considered on a case-by-case basis by the employee’s line manager taking into consideration the business needs of the Department/School/Directorate. The line manager should respond to formal requests for discontinuous leave within 14 calendar days and confirm the decision in writing. The request may be granted in full, a modified version of the request may be proposed, or the request may be rejected.

If a request for discontinuous leave is not agreed then the total amount of leave in the request must be taken as one continuous block from the notified start date, unless the employee:

- withdraws the notice on or before the 15th day after the notification was originally made and it will not count as one of the three notifications and submits a new request.

OR

- chooses when this leave period will begin within 19 days of the date the notification was given to the employer but it cannot start sooner than the initial notified start date.

Where the care of the child is dependent on one or both of the parents agreeing discontinuous leave arrangements and one is refused, one or both parents may need to withdraw their notification and make new amended ones.

5.4 Variations to arranged SPL

Employees are permitted to vary or cancel an agreed period of SPL, provided that they advise their line manager in writing at least 8 weeks before either the original start/end date or the new start/end date (whichever falls first). If lesser notice is provided the University is not obliged to accommodate the requested changes, although reasonable consideration will be given.

Any variation/cancellation made by an employee will usually count as a new notification and therefore will reduce the employee’s right to book/vary leave by one.

Changes as a result of a baby being born early or the University requesting that SPL arrangements be changed will not count as a further notification.

Any agreed variation will be confirmed in writing by the University.

6 Contact during SPL

The University should maintain reasonable contact with staff during periods of SPL to keep the individual up to date with developments at work and to discuss return to work arrangements. The University has introduced a [Buddy System](#) to support employees during a period of leave such as Shared Parental Leave. A buddy will be identified and agreed within the Department / School to provide appropriate updates as required and support individuals on their return to work.

The employee may, with prior line management agreement, work for up to 20 days (“Shared Parental Leave in Touch”/SPLIT days) during periods of SPL. Where such contributions are agreed appropriate additional payment will be provided for each day worked, dependent on the hours worked and level of Shared Parental Pay in place for that day. The overall payment amount in respect of each SPLIT day worked will not be greater than that which the employee would ordinarily have received for a day’s work.

Claims for SPLIT days should be signed off by the Head of Department using the Payment for Shared Parental Leave in Touch Days Form. This can be found on the [Family-Friendly Policies and Procedures](#) webpage. Forms should be sent to Human Resources for processing to Finance before the employee returns to work.

Further information can be provided by the [Payroll Team](#), Finance Office.

7 Rights during Shared Parental Leave

7.1 Continuity of Employment

Continuity of employment is maintained during SPL which means there is no break in service during an employee's absence from work.

An employee shall normally return to the job in which they were employed under the original contract of employment and on terms applicable to him/her if they had not been absent.

7.2 Annual Leave and Public Holidays

Throughout the SPL period the employee accrues contractual annual leave and public holiday entitlement. This leave can be taken as agreed with the line manager. It is recommended that the employee adds this entitlement onto the beginning or end of the SPL period where possible.

7.3 Pension Benefits

Pension benefits will be preserved during the period of paid SPL. The employee has the option to agree to pay the contribution for the unpaid SPL period on their return to work and, provided that this occurs, the University will also pay employer contributions for the unpaid period.

Further information on specific provision under respective pension schemes can be provided by the Pensions Office.

8 Loss of a child within the first year

Should the child die within its first year of life, support will be provided to the employee by their manager, and by the University through Occupational Health and the Employee Counselling Service. Parents who have submitted notice and booked SPL may have this period of leave honoured but would have no further notices remaining for any change to their Shared Parental Leave, nor could SPL be newly requested.

9 Policy Review

This policy will be reviewed and updated at periodic intervals to ensure continued suitability for organisational needs and compliance with relevant legislation.