



### Policy on shared parental leave

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#### 1. Policy statement

The University is committed to providing a positive working, learning and social environment which is open to all employees regardless of their protected characteristics. This policy allows eligible parents who wish to balance their working life with family responsibilities the opportunity to consider the best arrangement to care for their child during the first year following the birth or adoption.<sup>1</sup>

Primary carers<sup>2</sup> may choose to remain on maternity or adoption leave or, end their leave early and opt in to Shared Parental Leave (SPL) with their partner.<sup>3</sup> It allows working parents to equally share their childcare responsibilities in a more flexible way.

This policy is intended to mirror the Statutory Shared Parental Leave scheme. It explains how much time off and pay you can arrange to share with your partner following the birth or adoption.

The policy will operate in accordance with the University's core values of inclusiveness, community, integrity, academic excellence and professionalism available at <http://strategy.leeds.ac.uk/values/>.

#### 2. Scope

The University has agreed enhanced pay provisions, which include the statutory entitlement for employees who meet the qualifying criteria. Employees who don't meet the criteria for the enhanced provision may be eligible for Statutory Shared Parental Pay.

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<sup>1</sup> Includes intended parents of a child born through a surrogacy arrangement, who will be subject to a Parental Order and prospective parents fostering a child under the 'Fostering for Adoption' Scheme.

<sup>2</sup> Primary carer includes the birth mother or the adopter (the adopter means the person who is eligible for adoption leave and pay).

<sup>3</sup> Partner includes the child's biological father or the partner of the mother/adopter. This can be the spouse, civil partner; or a partner who is living in an enduring relationship with them. Primary carers can share their leave with only one person.

**Statutory Shared Parental Leave (SSPL):**

To qualify for SSPL you will have to meet the following criteria:

- Have completed 26 weeks continuous service at the end of the 15<sup>th</sup> week before the expected week of childbirth or in the case of adoption, the week in which notification is received about having been matched with a child,<sup>4</sup> and be employed by the University at the start of the week in which SPL is taken;
- Share the main responsibility for caring for the child;
- If you are the primary carer, you are entitled to statutory maternity or adoption leave and pay or maternity allowance;
- Maternity or adoption leave and pay has ended, or notice has been given to end it;
- Your partner meets the employment and earnings test;<sup>5</sup>
- Given the required notice and provided the requested documentation.

**University Shared Parental Leave (USPL):**

To qualify for the University's Shared Parental Leave scheme you will need to meet the above qualifying criteria and have completed 52 weeks continuous service before the expected week of childbirth or in the case of adoption, the week in which notification is received about being matched with a child.<sup>6</sup>

**3. Key entitlement**

The following is a summary of your entitlement as set out in the Children's and Families Act 2014 and the Shared Parental Leave and Pay Regulations 2014.

- The primary carer is obliged to take 2 weeks maternity leave immediately following the birth, or in the case of adoption, 2 weeks can be taken up to 14 days before the child is placed for adoption. The remaining 50 weeks leave (including 37 weeks statutory pay) is available to share between both parents;
- Where the eligibility criteria is met, the primary carer may end their maternity or adoption leave early and can opt in to SPL and share the remaining weeks maternity or adoption leave and pay entitlement with their partner;
- You can opt in and book SPL by giving 8 weeks' notice;
- You can choose how to share your childcare responsibilities. You can take time off work together, separately, or a combination of both;
- You and your partner can give up to 3 separate notices each to book or vary leave;

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<sup>4</sup> In the case of parents in a surrogacy arrangement, the qualifying period is 26 weeks continuous service at the end of the 15<sup>th</sup> week before the expected week of childbirth.

<sup>5</sup> To meet the employment and earnings test you must have been an employed or self employed earner for a total of 26 weeks (not necessarily continuously) in the period of 66 weeks leading up to the week in which the child is due to be born, or match occurs, and to have earned an average of £30.00 a week in 13 of those weeks.

<sup>6</sup> In the case of parents in a surrogacy arrangement, the qualifying period is 52 weeks continuous service before the expected week of childbirth.

- You can request leave to be taken in either a single continuous block, or a discontinuous block;
- You are entitled to take leave requested in single blocks, but we are not obliged to accept requests to take leave in discontinuous blocks;
- With our agreement, you can undertake 20 Shared Parental leave in touch (SPLIT) days. These days are in addition to the 10 KIT days available to primary carers on maternity and adoption leave;
- SPL is in addition to the right to paternity/partner leave;
- You may be accompanied by a Trade Union representative or workplace colleague at meetings arranged to discuss leave.
- The above entitlement will apply equally to single and multiple births and adoptions.

### ***Leave and pay***

The amount of leave and pay you will be entitled to take will depend on:

- your continuous service at the University;
- the amount of unused maternity/adoption leave and pay remaining;
- how leave is shared with your partner;
- if both parents are employed by the University.

The table on the following page sets out leave and pay entitlement if you meet the eligibility criteria for Statutory Shared Parental Pay (SSPP) or University Shared Parental Pay (USPP). Where both partners are employed by the University, USPP entitlement is shared between them and cannot exceed the stated maximum. If both parents are eligible for statutory leave and pay, this is shared between them regardless. For each partner, entitlement is on the basis of their individual eligibility. Shared Parental Leave is complex and you are strongly advised to discuss individual circumstances with your local HR contact at the earliest opportunity to ensure you have all the necessary information to inform your decisions.

The number of weeks stated in the table on the following page, have been adjusted to reflect the 2 weeks mandatory maternity/adoption leave that the primary carer must take following the birth or placement for adoption.

USPP is aligned to the amount of enhanced university maternity/adoption pay that would have been payable had the maternity/adoption leave continued and not been curtailed. For example, the primary carer works elsewhere and her maternity leave commences 4 weeks before the birth and ends 4 weeks after the birth. They give notice to opt into shared parental leave from week 9, and so for the partner who is employed by the University, all full pay has already been exhausted (under option b) because the timescale for USPP begins on the first day of the primary carer's leave. There is no option to defer unused USPP. Any periods of Shared Parental Leave which the partner may take from week 9, will be paid in accordance with any remaining entitlement to university/statutory pay or if this entitlement is exhausted, leave can be taken on an unpaid basis. In this example, to benefit from any remaining USPP, the partner would need to take leave from week 9 to 24 (option b), or week 9 to 16 (option c). Partners can choose to take time off separately or together.

Further advice, guidance and other examples are available in the Shared Parental Leave guidance document appendix, available at [file:///C:/Users/perejw/AppData/Local/Microsoft/Windows/INetCache/IE/Z6R1YMAS/SPL\\_guidance\\_Mar15.pdf](file:///C:/Users/perejw/AppData/Local/Microsoft/Windows/INetCache/IE/Z6R1YMAS/SPL_guidance_Mar15.pdf)

Option	Service	Scheme	Leave	Pay
Option A	26 weeks or more, but less than 52 weeks continuous service	Statutory shared parental pay (SSPP)	Up to 50 weeks	Up to 37 weeks SSPP <sup>7</sup>
Option B	52 weeks or more continuous service	University shared parental pay (USPP)	Up to 50 weeks	Up to: 6 weeks full pay (which includes 6 weeks SSPP) <sup>7</sup> +16 weeks half pay, plus SSPP <sup>7</sup> +15 weeks SSPP <sup>7</sup> +13 weeks unpaid
Option C	52 weeks or more continuous service	University shared parental pay (USPP)	Up to 50 weeks	Up to: 14 weeks full pay (which includes 14 weeks SSPP) <sup>7</sup> +23 weeks SSPP <sup>7</sup> +13 weeks unpaid
Option D	26 week or more continuous service	Intends not to return to work		Up to 37 weeks SSPP <sup>7</sup>

#### 4. Key points on application

##### ***Terms of employment***

Except as varied in this policy, all other terms and conditions of employment will continue to apply as though you had not been absent.

##### ***Annual leave, bank holidays and closure days***

You will accrue 25 days (pro-rata) annual leave during each holiday year that your absence falls. However, under the WTR, the minimum entitlement is 28 days (pro-rata) in each holiday year (including bank holidays and closure days). If as a result of your leave, your total holiday entitlement falls below 28 days (pro-rata) in any holiday year, including bank holidays and closure days that fall during your leave, an upward adjustment to your holiday entitlement will be made.

##### ***Pension contributions***

Pension contributions will continue to be deducted as normal while you are in receipt of shared parental pay, based on the level of pay you are receiving.

##### ***Fixed-term and open ended, fixed funded contracts***

If you are employed on a fixed-term or open ended, fixed funded contract and this contract expires or the funding ceases during your period of SPL your contract/funding will be extended until the end of your SPL, solely in order to facilitate the continuing payment of your USPP/SSPP. As a result, you will not have any post to return to.

<sup>7</sup> Statutory shared parental pay will be paid at the lower rate for statutory maternity, adoption and paternity pay or 90% of your average weekly earnings, whichever is the lower.

Therefore, requests for SPL which would continue beyond the original contract/funding end date will only be accepted in a single block and the end date cannot be later than the date your SSPP would stop.

Consultation about the expiry of your fixed-term or open ended, fixed funded contract will be in accordance with the University's Procedure to Support the Employment Security of Staff on Fixed Funding or Fixed Term Contract which can currently be found at [http://hr.leeds.ac.uk/FF-FTC\\_emp\\_security](http://hr.leeds.ac.uk/FF-FTC_emp_security) .

### ***Returning to work***

If you wish to return to work early, you can do so by notifying your Head of School/Service (or nominee) in writing giving at least 8 weeks' notice in advance of your planned return. On returning to work after SPL, you will have the right to return to the same post if your total absence due to statutory maternity, paternity, adoption and SPL amounts to 26 weeks or less. If your total leave is more than 26 weeks you will have the right to return to the same post unless the post is redundant. In such cases, you will return to a suitable alternative post where one is available.

If you are employed on a fixed-term or open ended, fixed funded contract which has been extended solely to facilitate your SPL, you will be unable to return to work unless further funding is obtained to extend your contract or you obtain another post with us.

### ***Not returning to work***

If you are receiving USPP and do not return to work for at least 3 months, we will claim back the non-statutory part of your USPP. The non-statutory part of your USPP will need to be repaid in full within 3 months of your leaving date.

If you are employed on a fixed term or open ended, fixed funded contract that comes to an end at the end of your first block of SPL and it has not been possible to find appropriate redeployment, you will not have to repay any part of your USPP. However, if you are offered an extension or renewal of your current contract/funding, and/or another appropriate post is available at the University, we will claim back the non-statutory part of your USPP if you reject or do not pursue such options.

### ***Working for another employer***

Your SSPP/USPP will be shortened if, whilst receiving payment from the University, you start work with another employer, who was not employing you during the 15th week before the expected week of childbirth or in the case of adoption, the week in which notification is received about having been matched with a child.

## **5. Opting in to SPL**

Information on how to opt in to SPL can be found in the guidance currently available at [http://hr.leeds.ac.uk/download/downloads/id/401/shared\\_parental\\_leave\\_guidance](http://hr.leeds.ac.uk/download/downloads/id/401/shared_parental_leave_guidance).

## **6. Further information**

Further information about this policy can also be obtained from your Faculty/Service HR Manager.

If this policy is required in an alternative format (for example braille, large print or e-text) please contact Human Resources at [hr@leeds.ac.uk](mailto:hr@leeds.ac.uk).

## **7. Implementation and review**

This policy became operational on 26 March 2015.

It will be monitored and reviewed by Human Resources where appropriate. In the event of any changes to legislation affecting this policy or other relevant changes e.g. University strategy, changes in best practice or operations, it will be revised in consultation with the recognised trade unions.