



Shared Parental Leave Guidance

This guidance should be used in conjunction with the Shared Parental Leave policy http://hr.leeds.ac.uk/download/downloads/id/400/shared_parental_leave_policy. A checklist is also available at http://hr.leeds.ac.uk/download/downloads/id/404/shared_parental_leave_checklist for use by employees and Heads of School/Service (or nominee) when considering shared parental leave. The checklist includes actions to consider before leave starts, during leave and upon return to work. Your Faculty/Service HR Team can also provide support and guidance.

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Definitions

The following definitions are used in this guidance:

Partner: includes the child's biological father or the partner of the primary carer. 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.

Primary carer: includes birth mother, main adopter (including an intended parent of a child born through a surrogate arrangement, who will be subject to a Parental Order and a prospective parent fostering a child under the 'Fostering for Adoption' Scheme).

SPL: Shared parental leave

SPP: Shared parental pay

SSPP: Statutory shared parental pay

USPP: University shared parental pay

Eligibility

To take SPL, both you and your partner will have to meet the criteria set out in our SPL policy at http://hr.leeds.ac.uk/download/downloads/id/400/shared_parental_leave_policy.

To access a useful summary of your statutory entitlement, you can use the online calculator available at <https://www.gov.uk/government/news/calculate-your-leave-and-pay-when-you-have-a-child>.

What are my options

SPL is completely optional. If you're a primary carer, you can choose to stay on maternity/adoption leave for the whole of the 52 week maternity/adoption leave period, or end your leave early to allow you to share the remaining weeks leave and pay with your partner.

Statutory pay is available for 39 weeks from the date maternity/adoption leave starts. Primary carers are obliged to take 2 weeks maternity leave immediately following the birth (or in the case of adoption 2 weeks leave can be taken up to 14 days before the child is placed for adoption), but parents can share the remaining 50 weeks leave, including 37 weeks statutory pay. For example, if you as primary carer take 10 weeks maternity leave and pay, you and your partner can share the remaining 27 weeks' pay and 40 weeks leave.

SPL allows parents to share leave in the year after their child's birth or placement in a more flexible way. You can share the caring responsibilities evenly or have one parent taking the main caring role, depending on your preferences and circumstances.

You can request leave in single continuous blocks or discontinuous blocks where you return to work in between periods of leave. For example, you may be leading or involved in a research project or the implementation of a new system at work and key dates fall when you would have been on maternity/adoption leave. You could plan your leave so that you return to work for a few weeks to avoid missing important deadlines. Once the deadline is over, you could choose to take a further period of leave. For the weeks when you're back at work, your partner could take time off and be responsible for your childcare.

You'll have to decide with your partner how leave will be divided between you. If you're considering SPL you're encouraged to discuss your plans with your Head of School/Service (or nominee) at the earliest opportunity. Such a conversation will help the Head of School/Service (or nominee) to get an idea about the pattern of leave you're interested in taking. It'll also provide more time to consider if/how leave booked in discontinuous blocks can be accommodated.

If your partner works elsewhere, he/she may also find it helpful to have a similar discussion with his/her employer to find out if the proposed working pattern can be accommodated. Your partner's employer may or may not offer enhanced SPP, so you might want to take this into account when considering your options.

SPL can only start if the primary carer has ended or given notice to end their maternity or adoption leave (a curtailment notice). Once notice has been given it is normally binding. You might find it helpful to have an initial discussion with your Faculty/Service HR Manager/Officer who will be able to advise you about your entitlement and options before making the decision to give notice.

How can leave and pay be shared

How much leave and pay you are entitled to take will depend on:

- Your continuous service with us;
- The amount of unused maternity/adoption leave and pay remaining;
- How leave is shared with your partner;
- If both parents are employed by us.

Examples can be found in the Appendix at the end of this document.

What do I need to do to take SPL

SPL can only start if both partners have completed:

- The SPL 'Notification of Entitlement' form available at http://hr.leeds.ac.uk/download/downloads/id/403/shared_parental_leave_notification_of_entitlement. This includes the primary carer's notice to end maternity/adoption leave and pay (a curtailment notice) and for both partners to give notice of their entitlement to SPL; and
- A 'Booking Notice' available at http://hr.leeds.ac.uk/download/downloads/id/402/shared_parental_leave_booking_notice to book a block of leave.

You should give both forms to your Faculty/Service HR Manager and a copy to your Head of School/Service (or nominee) giving at least 8 weeks' notice¹.

Notice can be given at any time during the statutory maternity/adoption pay period (39 weeks from the date it started). This can be before maternity/adoption leave starts, during and upon return from leave.

If you're receiving maternity allowance through Jobcentre Plus, you'll also need to notify Jobcentre Plus giving 8 weeks' notice that your maternity allowance period will end.

¹ A shorter notice may be possible by agreement with your Head of School/Service (or nominee).

In the case of a premature birth:

If notice hasn't been given and your baby is born 8 or more weeks before the expected week of childbirth, you can opt in to SPL by giving notice as soon as reasonably practicable.

In the case of a late birth:

For health & safety reasons the mother has to take at least 2 weeks maternity leave following the birth.

If, when the baby is born, the date given to end maternity leave (curtailment notice) in the SPL Notification of Entitlement form falls within the 2 week compulsory maternity leave period, the notification form is invalid. A new [SPL Notification of Entitlement](#) form should be submitted to include the new maternity leave end date, giving at least 8 weeks² notice.

In these circumstances the mother must take at least 8 weeks maternity leave before starting SPL (because she needs to give at least 8 weeks' notice to end her maternity leave), but her partner can start SPL from the birth (or after a period of paternity/partner leave) if they wish.

Can I change my mind about opting into SPL

Notice to end maternity/adoption leave is normally binding and you will be unable to change your mind, unless maternity/adoption leave has not ended, and you:

- discover within 8 weeks of giving notice that neither you, nor your partner qualify for SPL; or,
- gave notice before the birth/placement and you want to withdraw it within 6 weeks of the birth/adoption.

In such cases, you and your partner can opt in to SPL at a later date.

If your arrangements change due to unforeseen circumstances, you're encouraged to discuss your options with your Faculty/Service HR Manager/Officer in the first instance.

If neither you nor your partner is entitled to SPL, the primary carer will continue to benefit from their maternity/adoption leave and pay entitlement. Your partner's SPP will stop.

If the primary carer's partner has already agreed a period of leave, or started leave when notice to withdraw from SPL is given, the Head of School/Service (or nominee) may require him/her to be absent from work on unpaid leave for some or all of the booked period. In such cases, we will claim back the non-statutory part of USPP.

How do I book leave

Leave can be booked by completing a [Booking Notice](#) and submitting it to your Faculty/Service HR Manager and Head of School/Service (or nominee) giving at least 8 weeks' notice² of the planned start date.

Each parent can give up to 3 separate booking notices to book and vary leave (including notice to return to work early). The first booking notice will often be submitted with the SPL Notification of Entitlement form.

² A shorter notice may be possible by agreement with your Head of School/Service (or nominee).

Each booking notice can include leave to be taken in:

- **A single, continuous block** of leave where a number of weeks leave are taken in a single unbroken period for example, 6 weeks in a row; or
- **A discontinuous block** of leave, where a single booking notice is submitted which includes a request to take leave over a period of time, and where you return to work between periods of leave, for example you take 6 weeks' SPL, return to work for 4 weeks' and then take a further 6 weeks' SPL.

If you're employed on a **fixed-term or open ended, fixed funded contract** and this contract expires or the funding ceases during your SPL period and this is extended solely to facilitate your SPL, **a booking notice for a period of leave beyond the original contract/funding end date will only be accepted in a single block.**

At meetings arranged to discuss leave arrangements you can, if you wish, be accompanied by a Trade Union representative or workplace colleague. If you wish to be accompanied, you'll need to make arrangements with your chosen representative.

In the case of a premature birth:

If you've booked leave to start within 8 weeks of the birth and your baby is born early, you can bring the period of leave forward. You can give notice to change your dates by completing a [Booking Notice](#) as soon as reasonably practicable.

If you haven't booked leave and your baby arrives more than 8 weeks early, you can book leave without giving notice. However, you should complete a [Booking Notice](#) as soon as reasonably practicable. You'll need agreement from your Head of School/Service (or nominee) if you plan to take leave in a discontinuous block.

When can leave be taken

Leave can be taken:

- at the same time as your partner, separately or a combination of both;
- from the birth up to the child's first birthday/during the first year of the child's placement³;
- in complete weeks.

If you're a primary carer, you can start leave following the legally required 2 weeks maternity leave or in the case of adoption, 2 weeks up to 14 days before the child is placed for adoption.

Partners can take leave immediately following the birth/placement, even though the primary carer will be on compulsory maternity/adoption leave (providing the primary carer has given notice to end maternity/adoption leave.). Alternatively, they may wish to use their paternity/partner leave entitlement first, as they will be unable to use it after taking SPL.

³ If you are employed on a fixed-term or open ended, fixed funded contract leave can be taken up to the contract/funding end date.

Consideration of requests for single blocks of leave

If your booking notice includes a request to take leave in a single continuous block, you're entitled to take the leave as requested. Your booking notice will be accepted in writing by your Head of School/Service (or nominee).

Consideration of requests for discontinuous blocks of leave

Discontinuous blocks of leave can only be taken with the agreement of your Head of School/Service (or nominee). If there's concern about a split working pattern, your Head of School/Service (or nominee) has the discretion to propose an alternative working pattern, or turn down the request.

If there's concern, a discussion will take place within a 2 week period from the date of the application. Your Head of School/Service (or nominee) will meet with you during the discussion period with a view to agreeing an arrangement that meets the needs of both the School/Service and you but, if no agreement can be reached, your application can be declined. Your Head of School/Service (or nominee) may involve your Faculty/Service HR Manager/Officer at meetings held to discuss your request for leave and in making a decision. The outcome of the meeting/s will be confirmed in writing.

In making a decision, Heads of School/Service (or nominee) are asked to consider:

- each request on a case-by-case basis;
- the impact the working pattern will have on the need for the school/service to maintain an efficient service, whilst recognising the need for the individual to fit their leave arrangements with their partner;
- whether any modification to the leave pattern would reduce the impact on the school/service operational needs;
- any other considerations that would help achieve a mutually beneficial agreement.

If at the end of the 2 week discussion period no agreement has been reached, you will have 5 days to either:

- withdraw the request; or
- take the total number of weeks leave requested in a single continuous block. For example, if you requested four separate periods of three weeks each, you may take 12 weeks leave in a single block.

If you choose to take the leave in a single continuous block you will need to notify your Head of School/Service (or nominee) that you intend to start leave:

- on the first date given in the booking notice; or,
- on an alternative date, giving at least 8 weeks' notice⁴.

Such a notice will not count towards one of your 3 booking notices.

If you don't get a response to your booking notice from your Head of School/Service (or

⁴ A shorter notice may be possible by agreement with your Head of School/Service (or nominee).

nominee) during the 2 week discussion period, you can either withdraw the booking notice or take the leave in a single continuous block, starting on the first date given in the booking notice. Whichever option you choose should be confirmed in writing to your Faculty/Service HR Manager and Head of School/Service (or nominee).

If you're employed on a **fixed-term or open ended, fixed funded contract** and this is extended solely in order to facilitate your SPL, periods of leave beyond the original contract/funding end date will only be accepted in a single continuous block, the end date being no later than the date your SSPP would stop based on your first request. Discontinuous leave applications will not be accepted.

Can I change or cancel booked leave

You can change the dates of booked leave by giving 8 weeks' notice⁵⁶ to your Faculty/Service HR Manager and Head of School/Service (or nominee). A variation notice can be given by completing a [Booking Notice](#). A notice to vary an agreed working pattern will count towards one of your 3 booking notices.

Leave booked in a single continuous block can be withdrawn with the agreement of your Head of School/Service (or nominee). If agreed, it won't count as one of your booking notices.

Discontinuous blocks of leave can be withdrawn if this is done within 15 days of submitting the request, providing you haven't already reached agreement about when you'll be absent. This won't count as one of your booking notices.

Once the 15th day has passed, any change to the period of leave booked must be done by a variation notice as set out above.

SPLIT days

With the agreement of your Head of School/Service (or nominee), you can carry out up to 20 SPL In Touch (SPLIT) days during SPL. SPLIT days can be used for work related activities, for example attending a training session or conference, or to work part of a week to help you ease yourself back to work. Although you're not obliged to use these days, you should discuss with your Head of School/Service (or nominee) if/how these days might be used. Your partner's also entitled to 20 SPLIT days.

SPLIT days are in addition to the 10 Keeping In Touch (KIT) days available to primary carers during maternity/adoption leave.

If you do any work or training on one of these days, it'll count as one of your SPLIT days. For example, if you attend a one-hour training session and you do no other work on the same day, you will have used one of your SPLIT days.

SPLIT days will be paid at your normal daily rate of pay. If you're receiving SSPP/USPP or no pay, the total payment won't exceed your normal daily rate. Where you don't work a full day, you'll only be paid for the hours you've actually worked.

To request payment, your Head of School/Service (or nominee) will need to complete a 'Payment for KIT/SPLIT days' at

⁵ A shorter notice may be possible by agreement with your Head of School/Service (or nominee).

⁶ If you are employed on a fixed-term or open ended, fixed funded contract and this has been extended solely to accommodate your SPL, you will be unable to change the dates of leave during the extended period.

http://hr.leeds.ac.uk/download/downloads/id/407/family_leave-payment_for_kit_and_split_days_form and send to the Payroll office. The Payroll office will arrange for payment to be made which will usually be with your next salary payment, depending on payroll deadlines.

If you do more than 20 SPLIT days, you'll be deemed as having returned to work and SPL will stop.

Contact with colleagues

It's good practice for you and your Head of School/Service (or nominee) to maintain reasonable contact during your leave. This'll help to ensure that you're kept up-to-date on changes within your School/Service, for example staffing changes, job opportunities, and personal circumstances that will help ease your return to work.

It'll also help your Head of School/Service (or nominee) to be kept informed about your plans for returning to work so that arrangements can be put in place.

Before you start SPL, you're encouraged to discuss with your Head of School/Service (or nominee) and other colleagues how you want contact to be maintained, eg by email, phone calls, newsletters etc, and how your availability should be communicated.

Returning to work

If you intend to return to work at the end of your SPL, you're not obliged to give formal notice. However, to make sure that arrangements are made for your salary payments to be made in good time, it'd be helpful if you could confirm your plans in writing to your Faculty/Service HR Manager and Head of School/Service (or nominee) at the earliest opportunity.

If you want to return earlier than planned, you can do so by notifying your Faculty/Service HR Manager and Head of School/Service (or nominee) by completing a [Booking Notice](#) giving at least 8 weeks⁷ before your planned return date. This'll count as one of your 3 booking notices.

On returning to work after SPL, you'll have the right to return to the same post if your absence amounts to 26 weeks or less (including the weeks taken as maternity, paternity or adoption leave). If your total leave's more than 26 weeks, you'll have the right to return to the same post unless the post is redundant. In such cases, you'll 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'll be unable to return to work unless further funding's obtained to extend your contract/funding or you obtain another post with us.

On return to work your Head of School/Service (or nominee) will arrange a return to work induction. Its purpose is to update you on any changes that have taken place in the School/Service during your absence, to discuss work priorities and to look at what support mechanisms can be put in place to help you settle back into work etc.

If you're breastfeeding on your return, please notify your Head of School/Service (or

⁷ A shorter notice period may be possible by agreement with your Head of School/Service) or nominee).

nominee) so that a risk assessment can be carried out.

Can I change my working hours on my return to work

If you're considering returning to work on a part-time basis or changing your working pattern either in the short-term to help ease yourself back into work, settle your child in to nursery etc or longer-term, you're encouraged to discuss your plans with your Head of School/Service (or nominee) at the earliest opportunity. Although there's no automatic right to change your working pattern, your Head of School/Service (or nominee) will actively consider your proposals. Alternatively, you might want to consider using our parental leave and/or flexible working policies or using part of your annual leave.

Information about these policies can be found at:

- Parental leave: http://hr.leeds.ac.uk/parental_leave
- Flexible working: http://hr.leeds.ac.uk/flexible_working

What if I don't return to work

If you decide to resign, you'll need to give the required notice in line with your employment contract. If you've received USPP and don't return to work for a period of at least 3 months, we'll claim back the non-statutory part of your USPP.

If you're 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 hasn't been possible to find appropriate redeployment, you wouldn't be expected to repay the non-statutory part of your USPP. However, if you're offered an extension or renewal of your current contract/funding and/or another post is available at the University, but you choose not to accept it, we'll claim back the non-statutory part of your USPP if you reject or don't pursue such options.

You will need to repay the USPP in full within 3 months of your leaving date.

If you're still entitled to SSPP at the time of leaving, you'll receive the remaining payment on a monthly basis through the University payroll.

Will I be able to book my child in to the University's nursery

As an employee you're eligible to use the Bright Beginnings Childcare Centre, but this will depend on places being available. Further information can be found at <http://www.brightbeginningschildcare.co.uk/>.

Can I use childcare vouchers

We've joined forces with Kiddivouchers to introduce a Childcare Voucher scheme. Information about the scheme can be found at http://hr.leeds.ac.uk/download/downloads/id/406/family_leave-childcare_vouchers.

What about my pension

Pension contributions will continue to be deducted as normal while you're in receipt of SPP. Further information about pension arrangements during leave can be found at http://hr.leeds.ac.uk/download/downloads/id/405/family_leave-pension_arrangements.

Taking annual leave

Annual leave accrued up to the start of SPL should be taken before starting SPL. Untaken leave accrued during SPL should, where reasonably practicable, be taken in the holiday year in which you return to work. You may use part of your accrued annual leave as an equivalent amount of unpaid SPL.

If you are employed on a **fixed-term or open ended, fixed funded contract**, you'll receive payment for any outstanding annual leave on the expiry of your contract/funding. As normal, you'll need to agree dates of annual leave with your Head of School/Service (or nominee).

Will probation be affected

If you're on probation at the start of your leave, your probationary period may be extended depending on the duration of your absence. Your Head of School/Service (or nominee) will discuss this with you.

Will my inclusion in REF be affected

If you're eligible to be included in the REF, and as a result of your absence your research productivity is significantly affected, the number of outputs required for submission for REF may be reduced. The number of outputs you'll be required to submit will be based on the published REF Panel Criteria and working methods in place at the time of the relevant exercise. Further information about the most recent REF exercise can be found at <http://www.ref.ac.uk/>. Your Head of School/Service (or nominee) will discuss any implications with you.

What will happen to deductions from my salary during leave

If your period of leave exceeds 3 months, you may suspend your car parking permit. If you wish to do so, please contact [Car Parking](#) for more information. Other deductions, eg trade union subscriptions, will continue to be deducted during paid absences but will be suspended during unpaid periods. You may wish to check the implications with the provider during suspended periods.

Exceptional circumstances

If your arrangements change due to unforeseen circumstances, please contact your Faculty/Service HR Manager for advice.

Further information

Further information about SPL can be obtained from your Faculty/Service HR Team. If you require this document in an alternative format (for example braille, large print or e-text) please contact Human Resources at hr@leeds.ac.uk

Examples of how leave and pay can be shared

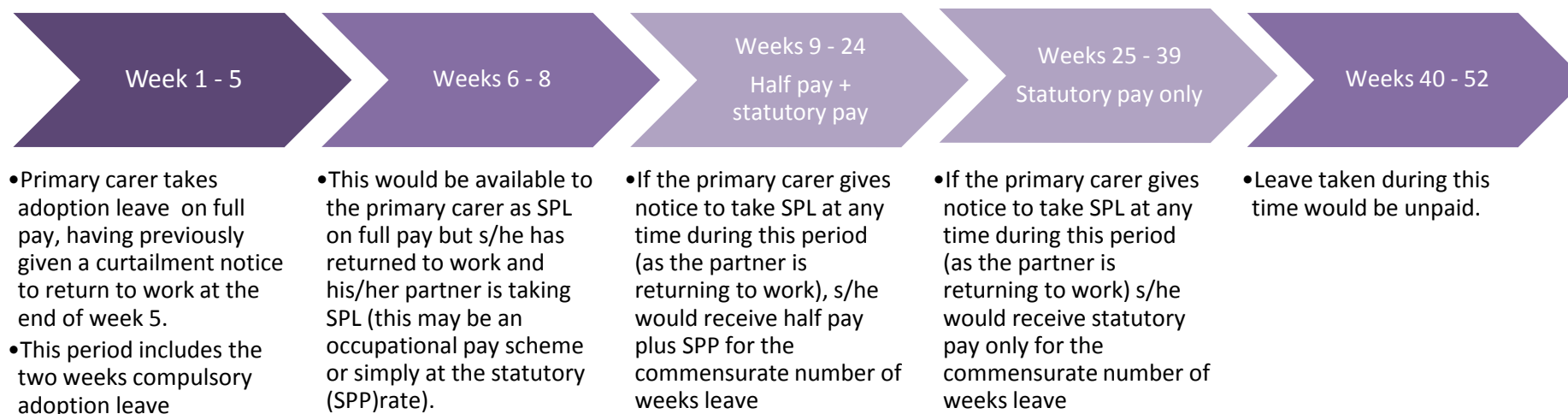
There are three possible situations for employees who can take Shared Parental Leave:

- You are a mother/primary carer and your partner is not employed by us;
- You are a father/partner and your child's mother/primary carer is not employed by us;
- You and your partner are employed by us.

As two weeks compulsory maternity/adoption leave remains in place, there is a maximum of 37 weeks statutory pay and 50 weeks leave that can be shared. However, fathers/partners will still have the right to take two weeks paternity/partner leave unless they have already taken SPL. Some examples of how SPL can be used follow.

Example 1

In the example below, a **primary carer works for the University** but the partner does not. **The primary carer chooses Option B for University Shared Parental Pay** both parents decide to **take time off separately**.



Example 2

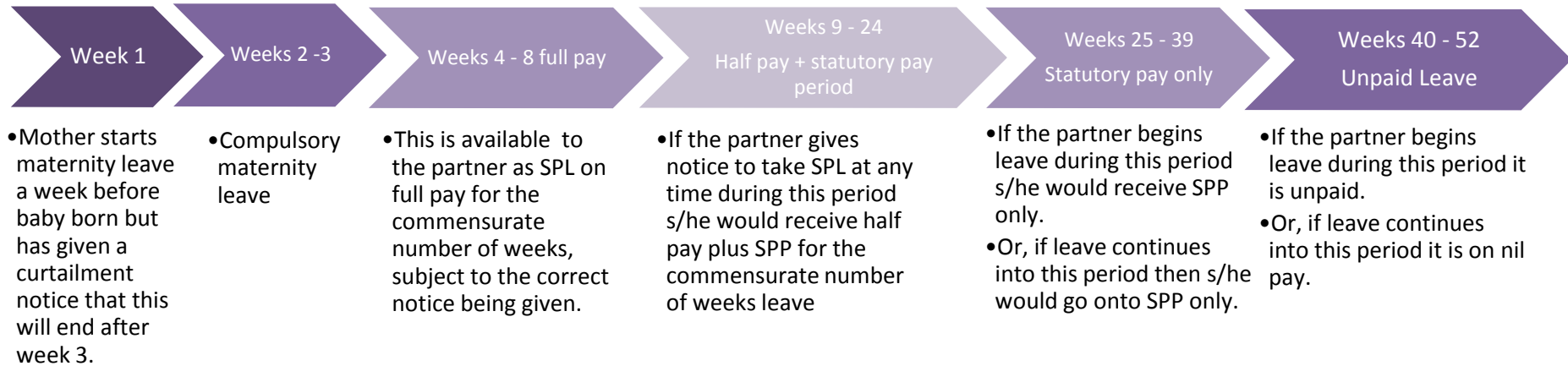
If both parents decided to take SPL together and the primary carer works for the University but the partner does not, this can be shown as follows:



- Primary carer takes compulsory adoption leave, having previously given a curtailment notice to end adoption leave after two weeks.
- Partner may choose to take paternity/partner leave.
- Primary carer moves onto SPL receiving full pay (which includes statutory SPP) as part of Option B of the University SPL scheme.
- Partner takes SPL through his/her employer (this may be an occupational pay scheme or simply at the statutory (SPP) rate).
- The primary carer would move onto half pay + statutory SPP at week 9
- The partner continues his/her time off continuing to receive SPP (+ any occupational pay if this is available via his/her employer).
- There is one week remaining for SPP which could be paid to the primary carer or his/her partner.
- Half pay would continue for the primary carer under the University SPL scheme.
- Half pay is still available to the primary carer but statutory SPP has now run out.
- The partner's position will be dependent on his/her employer's shared parental leave scheme - this period of leave may be unpaid.
- Unpaid leave is available to be taken by the primary carer.
- This will be the final two weeks that can be shared.

Example 3

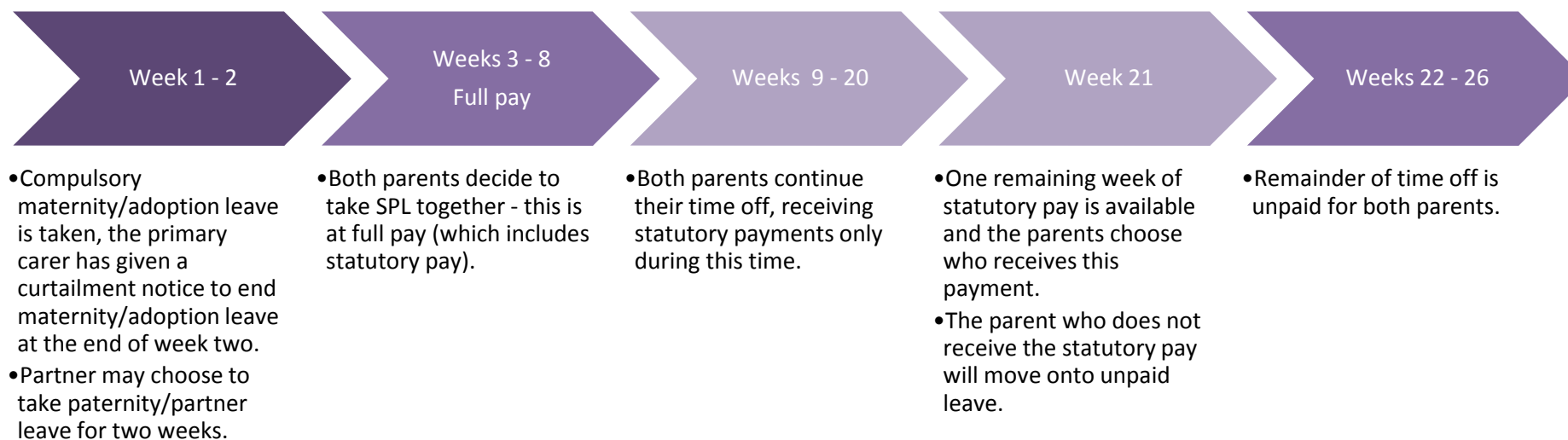
In the example below, we assume that a mother finishes work one week before her baby is born and takes 3 weeks maternity leave in total – in this example **the partner works for us** but the mother **does not** work for us. **The partner chooses Option B for University Shared Parental Pay** both parents **decide to take time off separately**. The options available to the partner are as follows:



Entitlement to 2 weeks Paternity/Partner Leave & Pay remains prior to SPL (which may be taken prior to the birth or adoption, at the time of the birth or adoption, or in the weeks following (no later than 8 wks after))

Example 4

In this example, **both parents are employed by the University** and **both are eligible** for University SPL. They choose Option C of the SPL scheme and **decide to take time off together**.



Example 5

In this example, **both parents are employed by the University** and but **only the mother is eligible** for University SPL. She chooses Option B of the University SPL scheme and the partner takes Option A of the scheme. **They take a combination of time off together and separately.**

