SHARED PARENTAL LEAVE POLICY AND PROCEDURES

Approval

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Responsible Officer

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Shared Parental Leave Policy and Procedures

Scope

The policy and procedures outlined in this document apply to all employees whose babies are due to be born on or after 5 April 2015, and children placed for adoption on or after 5 April 2015.

Policy

Shared Parental Leave enables eligible parents to take up additional flexibility in the way they choose to care for their new-born infant during the first year of birth or adoption.

Terms and abbreviations:

Mother: The woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female).

Partner: The child’s biological father or the partner of the mother/adopter. This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child.

Shared Parental Leave (SPL)

The University of Greenwich supports enabling parents to spend time with infants and have made provision for the following:

a) employees to choose to share statutory leave and pay on the birth or adoption of a child, subjected to eligibility;

b) a mother to bring her maternity leave to an end at any point after the initial two weeks compulsory maternity leave period following the birth of the child. The parents can then choose how to share the remaining 50 weeks of leave between them;

c) a primary adopter to choose to bring his/her adoption leave to an end at any point after the first two weeks of adoption leave. The parents can then choose how to share the remaining 50 weeks of leave between them.

Shared parental leave can be taken by each parent separately or at the same time, however, the mother’s partner can begin a period of shared parental leave at any time from the date of child’s birth (but the partner should bear in mind that he/she is entitled to take up to two week’s paternity leave following the birth of his/her child, which he/she will lose if shared parental leave is taken first). The mother and partner must take any shared parental leave within 52 weeks of the child’s birth.
Eligibility for shared parental leave

Each parent must have caring responsibility for the child and needs to meet the qualifying criteria for leave and pay:

The mother/primary adopter is eligible for parental leave if she/he:

- has at least 26 weeks’ continuous employment at the end of the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave begins;
- has, at the date of the child’s birth, the main responsibility, apart from the partner for the care of the child;
- is entitled to statutory maternity leave in respect of the child; and
- complies with the relevant maternity leave curtailment requirements (or has returned to work before the end of statutory maternity leave), and shared parental leave notice and evidence requirements.

In addition, for the mother to be eligible for shared parental leave, the partner must comply with the following requirements:

- must have been employed or been a self-employed earner in at least 26 of 66 weeks immediately preceding the expected week of childbirth;
- must have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- must have, at the date of the child’s birth, the main responsibility, apart from the mother, for the care of the child.

The partner is eligible for parental leave if he/she:

- has at least 26 weeks’ continuous employment at the end of the 15th week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave begins;
- has, at the date of the child’s birth, the main responsibility, apart from the partner for the care of the child;
- complies with the relevant shared parental leave notice and evidence requirements.

In addition, for the partner to be eligible for shared parental leave, the mother / primary adopter must comply with these requirements:

- must have been employed or been a self-employed earner in at least 26 of 66 weeks immediately preceding the expected week of childbirth;
- must have average weekly earnings of at least the maternity allowance threshold (currently £30) for any 13 of those 66 weeks; and
- must have, at the date of the child’s birth, the main responsibility, apart from the mother, for the care of the child;
- must be entitled to statutory maternity leave, statutory maternity pay or maternity allowance in respect of the child; and
must comply with the relevant maternity leave or pay curtailment requirements (or have returned to work before the end of statutory maternity leave).

Shared Parental Pay/Leave entitlement

For those employees with 26 or more weeks of service at the 15th week before the expected week of childbirth or adoption:

- 20 weeks Shared Parental Leave at normal pay
- 19 weeks additional Shared Parental Leave at the lower of Statutory Maternity Pay or 90% of weekly earnings
- 13 weeks unpaid leave

For those employees with less than 26 weeks of service at the 15th week before the expected week of childbirth or adoption:

- The number of weeks with statutory shared parental pay available to the parents will depend on how much statutory maternity/adoption pay or maternity/adoption allowance the mother has been paid when her maternity/adoption leave or pay period ends.

Employees may be entitled to take up to 50 weeks SPL during the child’s first year in their family. The number of weeks available is calculated using the mother’s/adopter’s entitlement to maternity/adoption leave, which allows them to take up to 52 weeks leave. If they reduce their maternity/adoption leave entitlement, then they and/or their partner may opt in to the SPL system and take any remaining weeks as SPL.

The minimum amount of SPL is one week and the maximum amount of SPL is 50 weeks. The first two weeks of maternity/adoption leave cannot be shared. SPL must be taken in multiples of complete weeks.

If you are the child’s secondary carer, you should consider using your two weeks paternity leave before taking SPL. Once you start SPL you will lose any untaken paternity leave entitlement. SPL entitlement is additional to your paternity leave entitlement.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.
Shared Parental Leave Procedure

Notice

**Opting in to Shared Parental Leave (SPL) and Pay**

Employees must notify the University of their intention to take shared parental leave at least eight weeks before the date you intend your shared parental leave to start by completing the [Shared Parental Leave application](#).

**Mother/adopter's notice curtailing maternity/adoption leave**

Before the mother or partner can take SPL, the mother must give eight weeks’ written notice (a “curtailment notice”) to end the maternity leave before starting to take SPL. This can be done by completing the [Shared Parental Leave application](#).

The curtailment notice is biding and cannot be revoked unless one or more of the reasons below applies:

- If it is discovered that neither the mother nor the partner are entitled to SPL or statutory shared parental pay, the mother must withdraw within eight weeks of the date on which the notice was given;
- If the maternity leave was given before the birth of the child and the mother withdraws her maternity leave curtailment notice within six weeks of the child’s birth; or
- The partner has died.

Shared Parental Leave can only be taken if 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).

**Evidence of entitlement and SPL dates**

To demonstrate eligibility a copy of the birth/adoption certificate and a completed [Shared Parental Leave application](#) should be sent to Human Resources at least eight weeks before the start of SPL.

If the period of leave notice gives dates for a single continuous block of SPL, you will be entitled to take leave set out in the notice. Employees can give up to three such leave notices.
Requesting split periods of SPL

In general, a period of leave notice should set out a single continuous block of leave. In some cases, HR may be willing to consider a period of leave notice where the SPL is split into shorter periods (of at least one week) with periods of work in between.

Employees are advised to discuss with their manager and HR in advance of submitting any formal period of leave notices.

Employees must submit a period of leave notice setting out the requested pattern of leave at least eight weeks before the requested start date. If the request cannot be agreed immediately, there will be a two-week discussion period where for instance an alternative pattern or leave is proposed. If agreement cannot be reached, the employee will be entitled to take the full amount of requested SPL as one continuous block, starting on the start date given in the notice. The final arrangement will be agreed in writing.

Example: If an employee requested three separate periods of four weeks each and an agreement isn’t reached, the employee will be entitled to one 12 week period of leave starting from the date given in the notice.

If an agreement has not been reached, employees will have the option to withdraw the period of leave notice at any time on or before the 15th day after the period of leave notice was given.

A notice for discontinuous leave that has been withdrawn before it is agreed, does not count towards the three requests for leave that the employee can make.

 Variation of the period of leave

Employees are entitled to request a variation to the leave up to three times by giving eight weeks’ written notice. The variation could be to change the start or end date of the leave, change a request from a period of discontinuous leave to continuous or vice versa, or to ask to cancel a period of leave. The minimum notice required for these changes are at least eight weeks’ notice before the original start date and the new start date.

Employees do not need to give eight weeks’ notice of changes in the SPL if the child has been born earlier than the expected week of childbirth. In such cases please notify in writing as soon as possible.

A notice to cancel or change a period of leave will count as one of the three period of leave notices, unless:

a) the variation is a result of the child being born earlier than the Expected Week of Commencement (EWC);
b) the variation is at the employer’s request; or
c) we agree otherwise.
Shared Parental Leave in touch days (SPLIT)

Employees on shared parental leave can, with the agreement of their line manager, work up to 20 days during their shared parental leave without bringing their shared parental leave to an end. SPLIT days are designed to enable staff to keep in touch during leave and can include work, training or any other activity to assist the employee in keeping in touch. SPLIT days are not obligatory.

SPLIT days can be taken at any time during shared parental leave and are in addition to the 10 KIT days provided for under Maternity and Adoption leave.

The University can also make reasonable contact with employees during shared parental leave, for example, to discuss their return to work. SPLIT days of work will not extend the shared parental leave period.

Subject to agreement by your manager, you will receive a non-pensionable payment for any SPLIT days worked. These will be calculated as either a half day or a full day dependent upon the number of hours worked.

Pension Implications

Employees contributing to a pension scheme will continue in the scheme paying contributions on the rate of pay received during any period of paid maternity leave. The percentage rate of contributions will remain unchanged i.e. it will be the rate applied as if the employee was working normally. No contributions can be taken from unpaid shared parental leave, and this therefore does not count as service for pension purposes.

Local Government Pension Scheme/London Pensions Fund Authority

For any period of unpaid shared parental leave employees in the Local Government Pension Scheme (LGPS) may choose to pay contributions so that the period will count in full for pension purposes.

Contributors to the Local Government Pension Scheme (LGPS) administered by the LPFA must make an election to pay within 30 days of their return to work. This should be made on form LG/211(MA) which will be sent, on request, by the University Payroll Office with details of the amount which should be paid.

Teachers’ Pension Scheme

For academic staff contributing to the Teachers’ Pension Scheme (TPS) any period of unpaid shared parental leave can be purchased through the additional pension purchase option provided by the TPS. Please contact the University Payroll Office for assistance if you wish to go ahead with the purchase.
Annual Leave

Annual leave allowance will accrue during shared parental leave depending on the employee’s specific entitlement. Before commencing shared parental leave, individuals are advised to discuss and agree in writing with their line manager how any accrued leave allowance will be taken or, in the case of support staff, carried forward into the next leave year.

Please note that the arrangements for carrying over leave as set out in the Conditions of Service will apply in cases of leave accrued during shared parental leave.

Any public or bank holidays which occur during periods of shared parental leave will be disregarded and no adjustment will be made or credited, whether or not the employee returns to work following shared parental leave.

Continuous service

Shared parental leave shall be considered as part of continuous service with regard to statutory rights.

Returning to work

All employees have the right to return to work at any time during their shared parental leave period, provided they give eight weeks’ notice.

Employees have the right to return to work following shared parental leave period under the same terms and conditions of service which applied before maternity leave. They also have the right to return either to the same post, or if the same post is not available, to a suitable alternative post.

Returning to flexible working

All employees have a statutory right to ask for a change to their contractual terms and conditions of employment to work flexibly, provided they have worked for at the University for 26 weeks continuously at the date the application is made. However, it should be noted that an employee does not have an automatic right to work flexibly. If revised working arrangements are agreed, it should be noted that there is no automatic right to return to the original (pre-shared parental leave) working pattern.

An employee can only make one statutory request in any 12 month period.

Employees who have been employed for less than 26 weeks, agency workers and office holders do not have a statutory right to request flexible working.

Applications should be made in writing no later than 2 weeks before the child’s seventeenth birthday and a previous application to work flexibly under this right has not been made within the last 12 months.