

# SHARED PARENTAL LEAVE POLICY AND PROCEDURE

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## Summary of amendments

Version	Action	Approval Authority	Action Date
1.0		Staffing Committee	2008 and Jan 2015
2.0	Updated to use gender- neutral language	N/A	4 <sup>th</sup> Oct 2021

## Shared Parental Leave Policy and Procedures

### 1. Scope

- 1.1. This policy only applies to employees of the University, including those on fixed term contracts, regardless of the employee or their partner's gender identity. It does not apply to agency workers or self-employed contractors.
- 1.2. Whilst this policy refers to shared parental leave in respect of children *born* to employees and their partners, very similar provisions apply to parents who are *adopting* a child. In the case of adoption, guidance should be sought from the People Directorate.
- 1.3. This policy does not form part of an employee's contract of employment.

### 2. Aims

- 2.1. The policy outlines the arrangements for shared parental leave and pay in relation to the birth of a child. It builds on the University's commitment to good employment practice and equality and diversity in the workplace.

### 3. Policy

- 3.1. In order to support parents who wish to spend time with their infant, the provisions set out below are available.
- 3.2. Employees may choose to share statutory leave and pay on the birth of a child, subjected to eligibility.
- 3.3. A birth parent may bring their 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.
- 3.4. Shared parental leave can be taken by each parent separately or at the same time. However, the birth parent's partner can only begin a period of shared parental leave once the child is born.
- 3.5. Shared parental leave must be taken within 52 weeks of the child's birth.

### 4. Procedure

#### 4.1. Terms and abbreviations:

- **Birth parent:** *The biological parent who gives birth to a child.*
- **Partner:** The partner of the birth parent. This can be the child's second biological parent and/or spouse, civil partner; or a partner who is living in an enduring relationship with the birth parent and the child.
- **SPL:** Shared Parental Leave

#### 4.2. Eligibility for shared parental leave

4.2.1. Each parent must have caring responsibility for the child and must meet the qualifying criteria for leave and pay.

4.2.2. The birth parent is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment at the end of the 15<sup>th</sup> week before the expected week of childbirth and remains in continuous employment until the week before any period of shared parental leave begins;
- have, 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
- curtail their maternity leave, either by returning to work or by serving a maternity leave curtailment notice not less than eight weeks before they want their maternity leave to end and has complied with shared parental leave notice and evidence requirements.

4.2.3. In addition, for the birth parent 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 the child's birth;
- must have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- must, at the date of the child's birth, have the main responsibility, apart from the birth parent, for the care of the child.

4.2.4. The **partner** is eligible for shared parental leave if they:

- have at least 26 weeks' continuous employment at the end of the 15<sup>th</sup> week before the Expected Week of Childbirth (EWC) and remains in continuous employment until the week before any period of shared parental leave begins;
- have, at the date of the child's birth, the main responsibility, apart from the partner for the care of the child;
- comply with the relevant shared parental leave notice and evidence requirements.

4.2.5. In addition, for the partner to be eligible for shared parental leave, the following conditions must also be fulfilled:

- the other parent must have been employed or been a self-employed earner in at least 26 of 66 weeks immediately preceding the expected week of childbirth;
- the other parent must have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and

- must, at the date of the child's birth, have the main responsibility, apart from the birth parent, 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
- the employee and the other parent must comply with the relevant statutory notices and declarations including notice to end any maternity leave, statutory maternity pay or maternity allowance periods.

#### 4.3. Shared Parental Pay/Leave entitlement

4.3.1. For those employees with 26 or more weeks of service at the 15<sup>th</sup> week before the expected week of childbirth, the following applies:

- 20 weeks' SPL at normal pay
- 19 weeks' additional SPL at the **lower** of Statutory Shared Parental Pay or 90% of weekly earnings
- 13 weeks' unpaid shared parental leave

4.3.2. For those employees with less than 26 weeks of service at the 15<sup>th</sup> week before the expected week of childbirth, the following applies:

- The number of weeks' statutory shared parental pay available to the parents will depend on how much statutory maternity pay or maternity allowance the birth parent has been paid when their maternity leave or pay period ends.

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

4.3.4. The minimum amount of SPL an employee may take is one week and the maximum is 50 weeks. The first two weeks of maternity leave cannot be shared. SPL must be taken in multiples of complete weeks.

4.3.5. An employee who is the partner of the birth parent is advised to take their two weeks' paternity leave before taking SPL as paternity leave cannot be taken once SPL has begun.

4.3.6. Any SPL not taken by the first birthday will be lost.

#### 4.4. Beginning Shared Parental Leave - Notice

4.4.1. Opting in to Shared Parental Leave and Pay - employees must notify the University of their intention to take SPL at least eight weeks before the date they intend this to begin, by completing the Shared Parental Leave Notice.

- 4.4.2. Mother's notice curtailing maternity - Before the birth parent or partner can take SPL, the birth parent must give eight weeks' written notice (a "curtailment notice") to end the maternity leave before starting to take SPL. If the birth parent is a University of Greenwich employee, this can be done using the Shared Parental Leave Notice.
- 4.4.3. The curtailment notice is binding and cannot be revoked unless one or more of the reasons below applies:
- if it is discovered that neither the birth parent nor the partner are entitled to SPL or statutory shared parental pay, the birth parent must withdraw their curtailment notice within eight weeks of the date on which the notice was given;
  - if the maternity leave was started before the birth of the child and the birth parent withdraws their maternity leave curtailment notice within six weeks of the child's birth; or
  - the partner has died.
- 4.4.4. Shared Parental Leave can only be taken if the birth parent has:
- returned to work;
  - given their employer a curtailment notice to end their maternity;
  - given their employer a curtailment notice to end their SMP (if they is entitled to SMP but not maternity leave);
  - given a curtailment notice to the Department of Work and Pensions to end their Maternity Allowance (if they is not entitled to maternity leave or SMP).

#### 4.5. **Evidence of entitlement and SPL dates**

- 4.5.1. To demonstrate eligibility a copy of the birth certificate and a completed Shared Parental Leave Period of Leave Notice should be sent to the People Directorate at least eight weeks before the start of SPL.
- 4.5.2. If the Notice gives dates for a single continuous block of SPL, the employee will be entitled to take leave set out in the Notice. Employees can submit up to three such leave Notices (see 4.7.3 below).

#### 4.6. **Requesting split periods of SPL**

- 4.6.1. In general, a Period of Leave Notice should set out the intention to take a single continuous block of leave. In some cases, the University may be willing to consider a period of leave where the SPL is split into shorter periods (of at least one week) with periods of work in between.
- 4.6.2. Employees are advised to discuss with their manager and the People Directorate in advance of submitting any formal Period of Leave notices.
- 4.6.3. 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.*

4.6.4. If an agreement is not reached, the employee will have the option of withdrawing the Period of Leave Notice at any time on or before the 15<sup>th</sup> day after the Period of Leave Notice was given.

4.6.5. A Period of Leave Notice for discontinuous leave that is withdrawn before it is agreed, does not count towards the three requests for leave that the employee can make.

#### 4.7. **Variation of the period of leave**

4.7.1. Employees are entitled to request a variation to the leave dates 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 is at least eight weeks' notice before the original start date and the new start date.

4.7.2. Employees do not need to give eight weeks' notice of changes in the SPL if the child is born earlier than the EWC. In such cases they should notify the University in writing as soon as possible.

4.7.3. A notice to cancel or change a Period of Leave will count as one of the three Period of Leave Notices, unless:

- the variation is a result of the child being born earlier than the EWC; or
- the variation is at the employer's request; or
- the University agrees otherwise.

### 5. **Shared Parental Leave Keeping in Touch days (SPLIT)**

5.1. Employees on SPL can, with the agreement of their line manager, work up to 20 days during their SPL 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.

5.2. 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 leave.

5.3. Pay for working on a SPLIT day during an unpaid period of SPL (or when SMP only is paid) will be calculated as either a half day or a full day dependent upon the number of hours worked. No additional

payment is made for SPLIT days worked during a period of SPL paid at full pay.

- 5.4. SPLIT days do not have to be consecutive. Working for part of a day will count as one SPLIT day. Where SPLIT days are not taken, they will be lost. SPLIT days cannot be carried forward and are not additional to annual leave.
- 5.5. Any work during SPL must be by agreement and neither employee nor the University can insist on it. SPLIT days of work will not extend the shared parental leave period. Further information about SPLIT days may be found in “Guidance on Keeping in Touch Days”.

## 6. Pension Implications

- 6.1. The University continues to pay appropriate employer pension contributions during the paid period of SPL. Employees contributing to a pension scheme will continue in the scheme, paying contributions on the rate of pay received during any period of paid shared parental leave.
- 6.2. When the employee is on unpaid leave on zero pay they will not be building up any pension benefits, i.e. any unpaid period does not count towards service for pension purposes.
- 6.3. The employee may wish to contact their pension provider to explore whether they may buy back lost service, (make up for missed contributions) for example through an additional pension contribution option. Whether this is possible depends on the particular pension scheme. Contact details for University pension providers are given at the end of this policy.

## 7. Annual Leave

- 7.1. During SPL, holiday entitlement including public holidays, will accrue at the rate provided under the employee’s contract of employment. Accrual applies throughout SPL, including during the unpaid period.
- 7.2. Significant amounts of annual leave entitlement can build up during an employee’s absence on SPL. Before commencing shared parental leave, individuals are advised to discuss and agree in writing with their Pro Vice-Chancellor, Director or other appropriate manager, how any accrued leave allowance will be taken.
- 7.3. **Annual leave will accrue:**
  - 7.3.1. During the leave year in which the employee’s SPL is due to begin. All of this entitlement should be taken prior to the commencement of SPL. Employees are reminded that annual leave entitlement should be taken in the leave year that it is earned. Any unused entitlement can only be carried forward with prior written permission from the University. If prior written permission is provided, then this leave should be taken immediately before returning to work at the end of the SPL period.



- 7.3.2. During the leave year which commences after the SPL period has begun. Holidays accrued during this leave year will be honoured by the University and available to the employee following return from SPL. The employee should ensure that they plan and agree with their Pro Vice Chancellor, Director or other appropriate manager, when this accrued leave will be taken following return to work, having regard to the needs and resources of the University.
- 7.3.3. During the leave year which commences following the employee's return from shared parental leave. Again, these holidays will of course be honoured and must be included in the planning and agreement about when holidays should be taken (see 7.3.2 above)

## **8. Sickness**

- 8.1. During shared parental leave employees are not entitled to receive sick pay and cannot be classed as "off sick".

## **9. Continuous service**

- 9.1. Shared parental leave is treated as continuous service for the purpose of statutory rights.

## **10. Maintaining Reasonable Contact**

- 10.1. Reasonable contact during a period of shared parental leave is encouraged. This contact may be used for example to discuss arrangements for the employee's return to work or to inform the employee of important workplace developments.
- 10.2. The manager should also ensure the employee is able to access details of any promotion opportunities or vacancies which arise during shared parental leave. The manager should ensure the employee is consulted when organisational restructures are being contemplated.
- 10.3. Prior to the commencement of shared parental leave, the employee and their manager should discuss the extent to which the employee wishes the University to maintain contact with them and their preferred arrangements for keeping in touch.

## **11. Returning to work**

- 11.1. All employees have the right to return to work at any time during their shared parental leave period, provided they give eight weeks' notice.
- 11.2. Employees have the right to return to work in the same post following shared parental leave under the same terms and conditions of service which applied before they took shared parental leave. This right applies only if the period of leave, when added to any other period of shared parental leave, or statutory maternity, adoption, paternity leave ("relevant statutory leave") taken by the employee in relation to the child, is 26 weeks or less.

11.3. Where the period of leave is *more than* 26 weeks, when added to any other period of relevant statutory leave taken in relation to the child, the employee has the right to return to the same job unless this is not reasonably practical in which case they have a right to return to another suitable job at terms that are no less favourable. This right also applies when the leave was the last of two or more consecutive periods of relevant statutory leave that included a period of parental leave, a period of additional maternity leave or a period of additional adoption leave, regardless of whether the total amount of relevant statutory leave taken is 26 weeks or less.

## **12. Other relevant policies and guidance**

- Paternity Leave Policy.
- Details on Keeping in Touch arrangements are contained in the Keeping in Touch guidance.
- Parental Leave policy.
- Shared Parental Leave Policy.

## **13. Review**

13.1. The University will keep this policy and procedure under review in line with legislation and business needs.