

Shared Parental Leave

FAQs?

General

What is the difference between shared parental leave and additional paternity leave?

Shared Parental Leave (SPL) applies to babies due or children matched for adoption on or after 5 April 2015. Additional paternity leave is being abolished but will continue to be available only in relation to babies due before 5 April 2015. SPL is intended to give parents more flexibility than additional paternity leave. The main differences are that both parents can take SPL at the same time as each other; can be taken in multiple periods and taken at any time up to the child's first birthday (or within one year of adoption).

Are there any changes to the regime for 18 weeks' unpaid parental leave or 2 week Paternity Leave as a result of the introduction of SPL?

No, these statutory leave entitlements are unaffected by SPL. Employees are eligible for Parental Leave or Paternity Leave subject to specific criteria as detailed in the respective policies.

Employee

Do both parents always qualify for SPL?

Sometimes both parents will qualify for SPL but on depending on circumstances only one parent will qualify to take SPL. Where both parents qualify for SPL, then they must agree between them how many weeks of leave each of them will take and each must notify their employer of the number of weeks that they have decided each employee will take.

Can there be any entitlement to SPL if a mother is not entitled to maternity leave?

In some cases a woman may not be entitled to maternity leave, but she may be entitled to statutory maternity pay or maternity allowance. For example, an agency worker or a woman who has recently lost her job may be entitled to statutory maternity pay and a self-employed woman may be entitled to maternity allowance. If such a mother chooses to reduce her statutory maternity pay or maternity allowance period and take fewer than 39 weeks of pay or allowance, then her employed partner could take the untaken weeks as SPL if he (or she) is eligible for leave. In this case, the number of weeks of pay or allowance must be deducted from 52 weeks to calculate the number of weeks of SPL that will be available for the partner to take.

Heads of Schools/Units/Line Managers

Can an employee use periods of SPL to reduce their hours over a period, for example by working for two days a week and taking SPL for three days a week?

No, SPL must be taken in blocks of at least one full week at a time. Therefore, an employee could not take SPL to reduce their weekly working hours.

Can I refuse an employee's request to take SPL or require them to take it at a different time?

Whether or not you can refuse an employee's request to take SPL depends on the pattern of leave that the employee has requested when submitting their SPL notification. If an employee requests one continuous period of leave, you must allow them to take the period of leave on the dates requested. You cannot require them to take it at a different time, for example to avoid the employee being absent during a particularly busy period for the business or when other employees are also absent.

If an employee requests a discontinuous periods of leave, e.g. two weeks' leave beginning on 1 June, four weeks' leave beginning on 1 August and four weeks' leave beginning on 1 December. You can refuse the employee's request. You can suggest alternative dates for a period or periods of leave, but you are not obligated to do so. If the request for discontinuous leave is refused, the employee can withdraw the notice, agree alternative dates suggested by the employer or take the total amount of leave requested in the leave notice as a continuous period of leave (i.e. one period of 10 weeks' leave, in the example above).

However, an employee who wishes to take discontinuous periods of leave can achieve this by requesting each period in a separate period of leave notice as opposed to one notification. An employer can only refuse a request for leave if the employee requests discontinuous periods of leave in the same notice. An employee can submit up to three separate leave notices per birth. Therefore, as long as the employee gives a separate notice and at least eight weeks' notice of each period of leave, they could take up to three separate periods of leave, without the employer having the right to refuse the request.

Can both parents take shared parental leave at the same time?

Yes, both parents can be absent from work on SPL at the same time. The amount of SPL that the parents can share is 52 weeks, minus the amount of maternity leave taken by the mother, or adoption leave taken by the primary adopter. All leave must be taken before the child's first birthday, or before the first anniversary of the day on which the child was placed for adoption. For example, the mother could take two weeks' compulsory maternity leave followed by 40 weeks' SPL. This would leave 10 weeks' SPL for the father (or the mother's partner) to take at any time before the child's first birthday, either at the same time as the mother or when she has returned to work.

Can an employee's partner begin a period of SPL while the mother is still on maternity leave?

Yes, if the mother has provided the University with a maternity leave curtailment notice, and all the relevant eligibility criteria and notice requirements are satisfied, the partner can begin a period of shared parental leave while the mother is still on maternity leave. For example, the mother could submit a leave curtailment notice stating that her maternity leave will end three months from the date of the notice. The mother's partner can take SPL with at least eight weeks' notice at any time after the mother has submitted her leave curtailment notice; they do not have to wait until those three months have passed.

Can employees on SPL take keeping-in-touch days?

Yes, you can agree with you employee up to 20 keeping-in-touch days during SPL without bringing the leave to an end. These can be used either to undertake work or, for instance, to attend meetings, team events or training. Each employee in SPL has up to 20 keeping-in-touch days each, which can be taken as single days or in blocks of days. This is in addition to the 10 keeping-in-touch days available to the employees during maternity leave or adoption leave periods.

How do I get cover for an employee taking SPL?

If replacement cover for the SPL leave period is required, approval for a like for like replacement can be obtained from the Director of Human Resources.

Examples of SPL

These are for illustrative purposes only. An employees' maternity, adoption and/or SPL arrangements will vary according to their personal circumstances.

Example 1 - Mother curtails maternity leave and father takes one continuous block of SPL

Mother has been on maternity leave for 10 weeks after giving birth; she decides she wants to return to work after 30 weeks of maternity leave as opposed to 52 weeks. She gives the University notice of her intention to return work after 30 weeks of maternity leave and transfers the remaining leave into SPL for her partner to use. Her partner has already taken two weeks paternity leave following the birth. Subject to eligibility and giving his employer the correct notice period, her partner is entitled to take 22 weeks SPL which must be used within 1 year of the birth.

Example 2 - Mother curtails maternity leave and father takes discontinuous blocks of leave

Mother goes on maternity leave 2 weeks before the baby is born. Following the birth she remains on maternity leave for a further 12 weeks (total of 14 weeks). Father takes 2 weeks' paternity leave at the time of the birth and then returns to work immediately. Mother returns to work after a total period of 14 weeks of maternity leave at which point SPL begins and the father goes on a period of SPL for 12 weeks. Father returns to work at the end of the 26th week after the maternity leave started for a period of six weeks. The father then goes back on SPL for a further 20 weeks then returns to work.

As SPL must be used with 1 year of the birth then the remaining 6 weeks of available SPL are lost and cannot be taken by any parent.

Example 3 – Illustration of SPL example where mother curtails Maternity Leave after 12 week and both mother and father take discontinuous blocks of leave. Periods of SPL overlap but all SPL entitlement taken within 1 year of birth

Leave in weeks	Baby born	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Mother		Maternity Leave												Shared Parental Leave					
Partner		Paternity Leave		At work													Shared Parental Leave		

Leave in weeks	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36
Mother	At work																	
Partner	Shared Parental Leave						At work						Shared Parental Leave					

Leave in weeks	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52		
Mother	At work			Shared Parental Leave														
Partner	Shared Parental Leave									At work								