

**University of St Andrews  
Human Resources**

**Shared Parental Leave Policy**

**1 What is Shared Parental Leave?**

Eligible parents of children due or placed for adoption, on or after 5 April 2015, have the right to take Shared Parental Leave (SPL). SPL may support an employees work life balance and childcare commitments as it allows eligible parents to share up to 50 weeks of leave within the first year following birth or adoption. SPL can be taken provided that the mother/principal adopter has reduced or agreed to reduce their entitlement to Maternity/Adoption Leave and Pay. Any remaining entitlement to maternity/adoption leave is converted into SPL. The mother/principal adopter can share their leave with only **one** other person.

Using Shared Parental Leave, both parents can take leave at the same time or they may wish to alternate between periods of leave and periods of work.

**2 What happens to Maternity/Adoption/Paternity/Parental Leave?**

Employees will remain entitled to take Maternity, Paternity, Parental or Adoption leave subject to the eligibility criteria. However, an eligible employee may now choose to reduce their maternity/adoption leave and opt into SPL.

A birth mother must take at least 2 weeks of compulsory maternity leave after the birth of her child before the leave can be curtailed. An adopter, or the parental order parent in surrogacy, must take at least 2 weeks of compulsory adoption leave before it can be curtailed.

Entitlement to Paternity leave ceases once an employee commences SPL.

SPL should not be confused with Unpaid Parental leave which gives eligible employees up to 18 weeks' unpaid leave.

**3 Eligibility for Shared Parental Leave (SPL)**

SPL can only be used by two people. To qualify the following must be satisfied

1	<p>Be either:</p> <ul style="list-style-type: none"> <li>○ The child's mother/primary adopter</li> <li style="text-align: center;"><b>or</b></li> <li>○ The biological father of the child (in the case of birth) or</li> <li style="text-align: center;"><b>or</b></li> <li>○ The spouse, civil partner or partner of the child's mother/ adopter (where the child's father does not share the main responsibility with the mother/adopter). This includes someone, of either sex, who lives with the mother and the child in an enduring family relationship but who is not the mother's child, parent, grandchild, grandparent, sibling, aunt, uncle, cousin, niece or nephew.</li> </ul>
2	<p><b>Both</b> parties must share the main responsibility for the care of the child at the time of the birth/placement for adoption.</p>
3	<ul style="list-style-type: none"> <li>○ The mother/adopter of the child must be entitled to statutory maternity/adoption leave or to statutory maternity/adoption pay or maternity allowance and must have given notice to reduce any maternity/adoption entitlements;</li> <li>○ You must be an employee of the University and still working for the University at the start of each SPL period;</li> <li>○ You must have been continuously employed with the University for at least 26 weeks by the 15th week before the child's expected due date/matching date (or, if your baby is born early, you would have been continuously employed until the 15th week);</li> <li>○ Your partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned</li> </ul>

	<p>an average of at least £30 a week in any 13 of those weeks;</p> <ul style="list-style-type: none"> <li>○ You and the other party must correctly notify the University of their entitlement and provide evidence as required.</li> </ul>
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**4 SPL Allowance**

Eligible employees may be entitled to take up to 50 weeks SPL which must end no later than one year after the birth or placement of the child. Any SPL not taken within the first year will be lost.

The amount of SPL available is determined by the amount of unused maternity/adoption leave at the point the mother/adopter chooses to end their entitlement to it. The maternity/adoption leave can be ended at any time provided the compulsory leave has been completed. The remainder is converted into SPL which can be shared between both parents. Where both parents are entitled to SPL they can transfer the leave between them; this can only be done with the consent of both parents. The University must be notified of any change to the number of weeks of SPL allocated to an employee as a result of transferring leave to or from their partner.

If the mother/adopter is not entitled to maternity/adoption leave but is still entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA) then providing they choose to end their entitlement before they have used the full 39 week allowance, their partner will still be entitled to take the remaining weeks (up to maximum of max of 50 weeks) as SPL. This situation may arise, for example, if a mother resigns following birth or adoption. Their partner would receive up to 50 weeks of SPL, less the number of weeks of SMP, SAP or MA already taken by the mother/adopter.

There may be situations where one parent qualifies for SPL but the other does not. In this instance the eligible parent is still permitted to take SPL subject to the criteria as it allows more flexibility than remaining on maternity or adoption leave.

The entitlements are the same for single and multiple births as well as multiple adoptions that occur in a single placement.

**5 Shared Parental Pay (ShPP) allowance**

The amount of ShPP an eligible employee will be able to take will depend on the amount of Statutory Maternity/Adoption Pay (SMP/SAP) or Maternity Allowance (MA) that the mother/adopter has already taken at the point that they have ended their entitlement. They will have had an entitlement of 39 weeks, so providing they have not used the full amount, any remaining weeks will be available as ShPP.

Where both parents are eligible for SPL and ShPP, then it is for them to decide (and notify their employers) on how the ShPP will be shared. The University must be notified of any change to the way parents wish to share the ShPP between each other.

You will be entitled to the ShPP as follows:	
	<ul style="list-style-type: none"> <li>• 39 weeks paid minus number weeks already taken as SMP/SAP or MA. <i>Maximum number will be 37.</i></li> <li>• 13 weeks unpaid</li> </ul>

To be eligible for ShPP you must satisfy the following criteria:

1	The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period;
2	The employee must intend to care for the child during the week in which ShPP is payable;
3	The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for national insurance contributions;
4	The employee must remain in continuous employment until the first week of ShPP has begun;

5	The employee must give proper notification in accordance with the rules set out below.

Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

## 6 Enhanced Shared Parental Pay allowance

As part of our commitment to supporting employees who are working parents, the University provides Enhanced Shared Parental Pay for eligible employees.

To be eligible for Enhanced Shared Parental Pay; employees must meet the following criteria:

- 26 weeks continuous service by either
  - The 15th week before the Expected Week of Childbirth (birth)
  - The week in which you are notified of being matched to a child (adoption)
- Indicated to the University that they will return to work after their final SPL period.
- The SPL eligibility requirements detailed in this policy (S3).

The University's enhanced Shared Parental Pay package is currently:

- 14 weeks of full salary (payable only between weeks 3 to 16 follow adoption or birth)
- 23 weeks at ShPP (payable only between weeks 17 to 39 follow adoption or birth)
- 13 weeks will be unpaid (only between weeks 40 to 52 follow adoption or birth)

If you are eligible and opt for the University's enhanced ShPP package this is subject to you returning to work at the University for a period of 3 months following the final SPL period. If you do not return to work then you will normally be required to repay the enhanced element of any ShPP received.

If two employees who are the mother/primary adopter and partner respectively of the same child will be eligible, subject to qualifying criteria for SPL and ShPP, to share a maximum of 14 weeks on full pay between them. It is up to the employees to determine how much of the enhanced Shared Parental Pay each parent will receive.

## 7 Notifying the University of SPL

An employee must give the University notification of their SPL by submitting the completed SPL notification form to their Head of School/Unit and Human Resources. An employee is only permitted to submit up to a maximum of 3 notifications to take SPL per birth/adoption. The University reserves the right to automatically reject any leave notification which is submitted without all the correct information.

Where both the mother/primary adopter and the other party are employed by the University, each must complete the SPL notification form and submit this in line with the provisions of this policy.

## 8 Booking Shared Parental Leave

The employee has the right to submit three SPL notifications in connection with each birth, specifying the leave periods they are intending to take. The number of notifications applies to both single and multiple births. Each notification must contain either details of:

- a) A continuous period of weeks of leave; or
- b) Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave; split it into a maximum of 3 separate blocks.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday. Where an employee returns to work between periods of SPL, the next period of SPL must start on the same day as the first SPL week

## 9 Continuous leave notifications

An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available and the University has been given at least eight weeks' notice. The University cannot refuse a continuous period of SPL.

#### **10 Discontinuous leave notifications**

An employee may also submit notifications detailing two or more periods of SPL known as discontinuous leave. The University will consider discontinuous leave and the operational impact it may have but does reserve the right to refuse it. Where a request for discontinuous leave is refused, the employee can either withdraw their request within 15 calendar days of submission or they can choose to take the leave in a single continuous block.

Where the employee chooses to withdraw their request for discontinuous leave, this will not count as having used one of their three notices to book leave. Where the employee does not withdraw their request, they will be deemed to have chosen to take the leave in a single continuous block. Where this occurs the employee has until the 19th calendar day from the submission of the original notification to choose when their continuous leave will begin. It cannot start sooner than eight weeks from the date the original notification was submitted. If no start date is chosen, the leave will begin on the first leave date requested in the original notification.

#### **11 Discussions regarding Shared Parental Leave**

An employee considering SPL is encouraged to discuss it with their Head of School/Unit Line Manager as early as possible. The discussion will enable the University to support the individual and consider any operational adjustments required.

Upon receiving an SPL notification form, the Head of School/Unit/Line Manager and/or HR may arrange a meeting with employee to discuss their request. Where the notice is for a single period of continuous leave, or where a request is for discontinuous leave which can, without further discussion, be approved as per the SPL notification form, a meeting may not be necessary.

Where a meeting is arranged it should take place in private and be arranged in advance. If the initial date is problematic then another date will be arranged within 14 days. If an alternative date cannot be arranged then the meeting may be held over the telephone. At the meeting the employee may be accompanied by a work colleague or trade union representative.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while the employee is away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to both the employee and the University, and what the options are available if no agreement is reached.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and the University against any adverse impact to the business. Each request for discontinuous leave will be considered on a case-by-case basis. Agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

#### **12 Variations to arranged Shared Parental Leave**

The employee is permitted to vary or cancel any agreed and booked period of SPL, provided that they advise the University in writing at least eight weeks before the effective date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any variation or cancellation notification made by the employee, including notice to return to work early, will usually count as a new notification reducing the employee's right to book/vary leave by one.

However, the following will not affect the number of notifications applicable to each birth:

- A change to SPL as a result of a child being born early
- A change to SPL as a result of child's matching date being changed
- A change as a result of the University requesting dates be changed, and the employee being agreeable to the change.

#### **13 Terms and conditions during SPL**

Employees will continue to benefit from their normal terms and conditions of service during the period of their SPL except their normal salary.

SPL is granted in addition to normal annual holiday entitlement. Employees are reminded that annual leave should wherever possible be taken in the specific leave year. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the leave year.

#### **14 Pension**

Pension membership and contributions shall be managed in accordance with the provisions of the relevant pension scheme. If you are on unpaid SPL, then your contributions will stop until you return to work. Once you have returned, the Pensions Administrator will contact you detailing the shortfall in contributions during this period and give you an option to maintain your contributions. Employer contributions missed as a result of your unpaid leave will only be paid over if you elect to maintain your employee contributions during that specific period. Further details about the pension options available can be obtained from the Pensions Administrator on ext. 2546 or email at [ljh10@st-andrews.ac.uk](mailto:ljh10@st-andrews.ac.uk).

#### **15 Contact during Shared Parental Leave**

Before any period of SPL begins, the University may discuss the arrangements for the employee to keep in touch during their leave. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL.

Any reasonable contact may be to:

- Discuss the employee's plans to return to work
- Ensure the employee is aware of any possible promotion opportunities or redundancy situations
- Discuss any special arrangements to be made or training to be given to ease their return to work
- Update the employee on developments within the School/Unit during their absence

#### **16 Shared Parental Leave in Touch days**

An employee can agree to work for the University (or attend training) for up to 20 days during SPL without bringing their period of SPL to an end or impacting on their right to claim ShPP for that week. These are known as "Shared Parental Leave In Touch Days" (SPLIT days). Any work carried out on a day or part of a day shall constitute a day's work for these purposes.

The University has no right to require the employee to carry out any work, and is under no obligation to offer the employee any SPLIT days, during any SPL period. Any work undertaken is a matter for agreement between the University and the employee. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when the employee is receiving ShPP, this will be effectively 'topped up' so that the individual receives full pay for the day in question.

Any SPLIT days worked do not extend the period of SPL.

The University and the employee may use SPLIT days to affect a gradual return to work by the employee towards the end of a long period of SPL or to trial a possible flexible working pattern.

Managers will be responsible for advising the Salaries Office of any work undertaken by the employee in order that the necessary salary payments can be made. To pay an employee who undertakes SPLIT days, please complete and return the Record of SPLIT to the Salaries Office.

#### **17 Returning to work after Shared Parental Leave**

The employee will be formally advised in writing by Human Resources of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the University otherwise. If you do not to return to work on the date agreed and fail to notify the University of your absence then this will be treated as unauthorised absence and disciplinary action may be taken.

If an employee is unable to attend work due to sickness or injury, the University's normal arrangements for reporting sickness absence will apply. Please see University's Sickness Absence Policy.

If the employee wishes to return to work earlier than the expected return date, they may provide a written notice to vary the leave and must give the organisation at least eight weeks' notice of their date of early

return. This will count as one of the employee's notifications. If they have already used their three notifications then the University does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

## **18 Special Circumstances**

### **18.1 Death of the child before or during birth, or within the first year**

Should the child die before the parents have submitted a notice of entitlement to take SPL then they cannot opt into SPL as the qualifying condition is caring for a child. The mother will remain entitled to maternity leave and the mother's partner could still qualify for statutory paternity leave.

If the parents have opted into SPL and they have booked leave, they will still be entitled to take the booked leave. No further notice booking leave can be submitted and only one variation notice can be given to reduce a period of leave or to rearrange a discontinuous leave arrangement into a single block of leave.

### **18.2 Partner no longer caring for the child**

If the circumstances of an employee who has booked SPL change so that they will no longer be responsible for caring for the child (unless it is because the child has died), their entitlement to both SPL and ShPP will immediately cease and they must inform the University.

If the employee has any SPL arranged within eight weeks of their entitlement ceasing, the University can still require them to take SPL if it is not reasonably practicable for the employee to return to work, for example because cover has been arranged. Any weeks of SPL arranged after eight weeks of their entitlement ceasing must be cancelled.

If the remaining parent will be continuing to care for the child then they will still be eligible to take their SPL entitlement. If the other parent, who is no longer caring for the child had any SPL leave entitlement outstanding, the remaining parent will only be able to transfer it into their own entitlement if they can get the signed agreement of the other parent to a notice confirming a variation of leave entitlement.

### **18.3 Death of a parent during the child's first year**

If either parent dies and the other parent is taking, or is entitled to SPL then they will continue to be eligible. Any SPL that was due to be taken by the deceased parent may be transferred to the other parent if the other parent is eligible for SPL.

Should it be necessary for the other parent to take a further period of SPL or to vary pre-agreed leave then notice may be given as soon as is reasonably practicable if eight weeks' notice cannot be given. If they have already given three notices to take leave they must be allowed to submit one further notice to book/amend SPL.

## **19 Fraudulent claims**

The University can, where there is a suspicion that fraudulent information may have been provided or where the University has been informed by the HMRC that a fraudulent claim was made, investigate the matter further in accordance with the University's disciplinary procedures.

## **20 Queries**

If you have any queries regarding this policy please contact Human Resources on ext. 3096 or e-mail [humres@st-andrews.ac.uk](mailto:humres@st-andrews.ac.uk).