



University of  
St Andrews

## Shared parental leave

<b>Document type</b>	<b>Policy</b>
<b>Scope (applies to)</b>	All staff
<b>Applicability date</b>	21/03/2024
<b>Review / Expiry date</b>	29/09/2024
<b>Approved date</b>	21/03/2024
<b>Approver</b>	Deputy Director of Human Resources
<b>Document owner</b>	Human Resources Officer
<b>School / unit</b>	Human Resources
<b>Document status</b>	Published
<b>Information classification</b>	Public
<b>Equality impact assessment</b>	None
<b>Key terms</b>	Staff/Annual leave and other absence/Family friendly leave
<b>Purpose</b>	This document outlines the eligibility and procedure for taking Shared Parental Leave.

<b>Version number</b>	<b>Purpose / changes</b>	<b>Document status</b>	<b>Author of changes, role and school / unit</b>	<b>Date</b>
2.1	Removal of brackets to allow flexibility when to take paid leave.	Published	Lisa Stewart HR	21/03/2024

**This policy applies to existing employees who are due to go on Shared Parental Leave (SPL) on 11 September 2023 and thereafter. Employees who are currently on SPL arrangements (prior to 11/09/23) should refer to the [previous policy](#).**

## Table of contents

1.	Introduction	3
2.	SPL eligibility	3
3.	SPL Allowance	4
4.	Shared Parental Pay (ShPP) allowance	4
5.	Enhanced Shared Parental Pay allowance	5
6.	Procedures	6
7.	Terms and conditions during SPL	8
8.	Pension	8
9.	Shared Parental Leave in Touch days (SPLIT)	8
10.	Special circumstances	9
11.	Fraudulent claims	10
12.	Support	11
13.	Version control	11
	Appendix A: Examples of SPL	12

- 
- British Sign Language (BSL) users can contact us via the online BSL Video Relay Interpreting Service: <https://contactscotland-bsl.org>
  - This document and forms associated with this document are available in an alternative format upon request.
  - We encourage employees to review the [Shared Parental Leave webpage](#) to access FAQs about the process as well as additional guidance.

## **1. Introduction**

### **1.1 What is Shared Parental Leave?**

1.1 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 employee's 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/primary 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/primary adopter can share their leave with only one other person.

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

### **1.2 What happens to maternity/adoption/paternity/parental leave?**

1.2.1 Employees remain entitled to take maternity, paternity, parental or adoption leave subject to the eligibility criteria as outlined in the relevant policy. However, an eligible employee may choose to reduce their maternity/adoption leave and opt to take SPL instead.

1.2.2 A birth mother must take at least 2 weeks of compulsory maternity leave after the birth of the 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.

1.2.3 Entitlement to paternity leave ceases once an employee commences SPL.

1.2.4 SPL should not be confused with unpaid parental leave which gives eligible employees up to 18 weeks' unpaid leave. The [Parental Leave Policy](#) provides further information on this entitlement.

## **2. SPL eligibility**

2.1 To qualify the following must be satisfied:

### **2.1.1 The person must be either the:**

- child's mother/primary adopter or
- biological father of the child (in the case of birth) or
- 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.

2.1.2 Both parties must share the main responsibility for the care of the child at the time of the birth/placement for adoption.

2.1.3 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.

- 2.1.4 The person must be a current employee of the University at the start of each SPL period.
- 2.1.5 The employee 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 the baby is born early, they would have been continuously employed until the 15th week).
- 2.1.6 The employee's 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 an average of at least £30 a week in any 13 of those weeks.
- 2.1.7 The employee and the other party must correctly notify the University of their entitlement and provide evidence as required.
- 2.2 Examples of SPL can be read in [Appendix A](#).

### 3. SPL Allowance

- 3.1 Eligible employees may be entitled to take up to 50 weeks SPL which must end no later than one year after the birth/placement of the child. Any SPL not taken within the first year will be lost.
- 3.2 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.**
- 3.3 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.
- 3.4 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.
- 3.5 The entitlements are the same for single and multiple births as well as multiple adoptions that occur in a single placement.

### 4. Shared Parental Pay (ShPP) allowance

- 4.1 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.

- 4.2 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.**

**The employee will be entitled to the ShPP as follows:**

- 39 weeks paid minus number weeks already taken as SMP/SAP or MA. *Maximum number will be 37.*
- 13 weeks unpaid.

4.3 **To be eligible for ShPP, employee's must satisfy the following criteria:**

- 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.
- The employee must intend to care for the child during the week in which ShPP is payable.
- The employee must have 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.
- The employee must remain in continuous employment until the first week of ShPP has begun.
- The employee must give proper notification in accordance with the rules set out below.

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

## 5. **Enhanced Shared Parental Pay allowance**

5.1 As part of our commitment to supporting employees who are working parents, the University offers an Enhanced Shared Parental Pay (ESPP) package to employees who meet the criteria confirmed in section [5.2](#).

**Note:** Employees who commenced SPL arrangements before 11/09/2023 should refer to the previous [SPL policy](#).

5.2 **To be eligible for ESPP; employees must meet the following criteria:**

- Have at least 26 weeks continuous service by either the 15th week before the Expected Week of Childbirth (birth) or the week in which the employee is notified of being matched to a child (adoption).
- Meet the SPL [eligibility requirements](#) detailed in this policy.

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

- 20 weeks of full salary
- 17 weeks at ShPP
- The remaining 13 weeks will be unpaid

5.4 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 20 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.

## 6. Procedures

### 6.1 Notifying the University

6.1.1 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](#).

**Note:** Wherever possible, it is encouraged that employees inform their line manager of their intention to take family leave as early as practicable in order to provide appropriate time for the line manager to organise and plan how they will cover the workload during the period of leave.

6.1.2 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.

6.1.3 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.

### 6.2 Booking SPL

6.2.1 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 continuous period of weeks of leave; or
- 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.

6.2.2 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 the next period of SPL can start on any day of the week.

### 6.3 Continuous leave notifications

6.3.1 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.

### 6.4 Discontinuous leave notifications

6.4.1 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.

6.4.2 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.

## 6.5 Discussions regarding SPL

- 6.5.1 An employee considering SPL is encouraged to discuss it with their line manager as early as possible. The discussion will enable the University to support the individual and consider any operational adjustments required. **Note:** It is encouraged that employees and line managers use the [Family Leave Checklist](#) to ensure that they can plan effectively for a period of family leave.
- 6.5.2 Upon receiving an [SPL notification form](#), the 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.
- 6.5.3 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.
- 6.5.4 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.
- 6.5.5 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.

## 6.6 Variations to arranged SPL

- 6.6.1 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 using the [variation request form](#). Any new start date cannot be sooner than eight weeks from the date of the variation request.
- 6.6.2 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.
- 6.6.3 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/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.

## **6.7 Returning to work**

- 6.7.1 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 the employee does not return to work on the date agreed and fails to notify the University of this, then this will be treated as unauthorised absence and disciplinary action may be taken.
- 6.7.2 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](#).
- 6.7.3 If the employee wants to return to work earlier or later than the expected return date, the employee must inform their line manager and [HR Support](#), at least 8 weeks before the intended return date, via email confirming the new return date. 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 on a different date but may do so if it is considered to be reasonably practicable to do so.

## **7. Terms and conditions during SPL**

- 7.1 Employees will continue to benefit from their normal terms and conditions of service during the period of their SPL except their normal salary.
- 7.2 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.

## **8. Pension**

- 8.1 Pension membership and contributions shall be managed in accordance with the provisions of the relevant pension scheme. If the employee is on unpaid SPL, then their contributions will stop until they return to work. Once the employee has returned, the Pensions Administrator will contact them detailing the shortfall in contributions during this period and give them the option to maintain their contributions. Employer contributions missed as a result of their unpaid leave will only be paid over if the employee elects to maintain their employee contributions during that specific period. Further details about the pension options available can be obtained from the Pensions Administrator via [email](#).

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

- 9.1 The line manager, or equivalent other (e.g., Head of School/Unit) may want to make reasonable contact with the employee during their SPL. Reasonable contact will vary according to individual circumstances and should be agreed between both the employee and the line manager (or equivalent) prior to going on SPL.
- 9.2 Employees can work for up to 20 days, by mutual agreement, during SPL without it impacting on SPL or affecting the employee's right to ShPP. The idea behind this is to allow employees to keep in touch with colleagues and the School/Unit during SPL. Shared



Parental Leave In Touch Days (SPLIT days) can be used for undertaking normal contractual duties or for other work requirements such as, attendance at a scheduled conference, training, team meetings, away days, or performance & development reviews.

- 9.3 The days do not have to be worked consecutively and the employee will be paid at their normal rate of pay or the appropriate rate for the work undertaken on these days. Alternatively, the employee can take time off in lieu. Working for part of a day will use up one of SPLIT day. Employees will only be paid for the hours worked and these must be agreed in advance with the line manager.
- 9.4 SPLIT days do not extend the period of SPL.
- 9.5 Employees will receive the normal hourly/salary rate for the hours worked. This payment will be inclusive of any SPL pay (including ShPP) the employee is receiving when the SPLIT days are worked. Payment for SPLIT days will not exceed the normal payment for the pay/hours worked. Therefore, if an employee uses a SPLIT day during the full pay period, no additional payment will be made. If an employee uses a SPLIT day during the ShPP period, the pay will be increased to their normal rate of pay for the hours worked (inclusive of ShPP). If an employee uses a SPLIT day during the unpaid period of SPL, their normal rate of pay for the hours worked will be processed.
- 9.6 Once a KIT day has been completed, the employee will be required to complete a KIT form which is located in [HR Self-Service](#) (under My Forms). Once completed, they must submit the form which will be sent to the line manager for authorisation. The line manager will submit the form to [Pay and Pensions](#), which will instruct them to process the payment. Payment will be made on the first pay date after Pay and Pensions receive the form; provided it is received by the relevant salary [cut off date](#).
- 9.7 SPLIT days are optional, and the University has no right to force anyone to work a SPLIT day. SPLIT days may be undertaken at any stage during SPL.

## 10. Special circumstances

### 10.1 Neonatal Care Leave “NCL”

- 10.1.1 The University has introduced support for parents of babies who require neonatal care (for at least 7 consecutive days) before the baby reaches 28 days of life. Employees will be entitled to an additional period of leave to take usually after their SPL has come to an end if they meet the neonatal care definition outlined in the [Neonatal Care Leave Policy](#).
- 10.1.2 Employees who were entitled to ESPP will be entitled to take NCL on full pay<sup>1</sup>, equivalent to the number of days the baby received neonatal care providing the care lasted at least 7 consecutive days. The leave is capped at 12 weeks. Employees who do not meet the eligibility criteria can take this leave as unpaid.
- 10.1.3 Employees should notify their line manager if their baby has been admitted into neonatal care (for at least 7 consecutive days). Once the baby has been discharged from neonatal care, the employee should confirm this with their line manager.

---

<sup>1</sup> **Note:** NCL is prorated to the contracted weekly hours of work and payment will be based on the normal rate of pay (e.g. if the employee normally works 21.75 hours per week, and the baby received neonatal care for 1 calendar week/7 days, the employee would be eligible to take 21.75 hours of neonatal care leave at their normal rate of pay).

10.1.4 The line manager must inform [HR Support](#) of the start and end date of the neonatal care so that they can record this and discuss this with the employee prior to their return to work.

10.1.5 More information on NCL can be read in the policy.

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

10.2.1 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.

10.2.2 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.

10.2.3 Parents will also be entitled to Parental Bereavement Leave as outlined in the [Special Leave Policy](#).

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

10.3.1 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.

10.3.2 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.

10.3.3 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.

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

10.4.1 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.

10.4.2 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.

## **11. Fraudulent claims**

11.1 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.

## 12. Support

- 12.1 Any questions employees have about matters raised in this policy should be raised with their [HRBP](#). Any work-related issues should be addressed directly with their line manager. In addition, employees and line manager can access further information about SPL on the [SPL webpage](#).

## 13. Version control

- 13.1 This document will be reviewed periodically in conjunction with the University's recognised Trade Unions. Any feedback on the policy content should be directed in the first instance to the [HRBP team](#) or via the [HR Feedback Form](#).

Version number	Purpose / changes	Document status	Author of changes, role and school / unit	Date
1.0	Migration of the policy to the Governance Zone.	Published.	Lisa Stewart Human Resources	03/07/2019
1.1	Change to review date	Published	Lisa Stewart HR	01/04/2021
1.2	Minor change to Policy: change to SPLIT days wording.	Published	Lynsey Rattray HR	09/07/2021
2.0	<ul style="list-style-type: none"> <li>Increase to occupational shared parental pay provision.</li> <li>Pilot the removal to return to work after SPL in order to be eligible for the enhanced pay.</li> <li>Introduction to neonatal care leave "NCL".</li> </ul>	Published	Lisa Stewart HR	11/09/2023
2.1	<ul style="list-style-type: none"> <li>Removal of brackets to allow flexibility when to take paid leave.</li> </ul>	Published	Lisa Stewart HR	21/03/2024

## Appendix A: 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 26<sup>th</sup> 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**

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

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

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