

## **SHARED PARENTAL LEAVE POLICY**

### **1 POLICY STATEMENT AND SCOPE**

- 1.1** It is important for parents to understand the choices available to them when planning for the birth or adoption of a child and this policy sets out the options available to them should they wish to take Shared Parental Leave.
- 1.2** Shared Parental Leave (SPL) provides both parents with the opportunity to take advantage of additional flexibility in the way they choose to care for a new arrival to the family. SPL will enable an eligible mother/adopter to end their maternity/adoption leave and pay early and allow them and their partner to share the remainder of the maternity/adoption leave and pay in order to care for their child, thus providing both parents with the opportunity to combine work and caring responsibilities in the year following birth or adoption.
- 1.3** This policy applies to employees. It does not apply to agency workers or self-employed contractors.
- 1.4** This policy does not form part of any employee's contract of employment and the College may amend it at any time.

### **2 WHAT HAPPENS TO MATERNITY/ADOPTION/PATERNITY LEAVE?**

- 2.1** Staff will still be entitled to take maternity, adoption and paternity leave, however eligible staff will now have the opportunity to end their maternity/adoption leave early and opt in to SPL.
- 2.2** Once a member of staff has ended their maternity/adoption leave and returned to work they will only be entitled to statutory pay during periods of SPL. Careful consideration should therefore be given to the financial implications of ending maternity/adoption leave early while still in receipt of enhanced occupational maternity/adoption pay.
- 2.3** If a member of staff is eligible for paternity leave they should consider using their two weeks' paid paternity leave before taking SPL. Once they start SPL they will lose any untaken paternity leave entitlement. SPL entitlement is additional to paternity leave entitlement.
- 2.4** Under SPL provisions a mother must still take at least two weeks compulsory maternity leave following the birth of a child but can otherwise choose to end her maternity leave at any stage. An adopter can end their adoption leave once they have taken it for two weeks.

### **3 SHARED PARENTAL LEAVE (SPL)**

- 3.1** SPL is a statutory right available to employees who have had a new baby or a newly adopted child. It gives them the option of sharing up to 50 weeks of leave and 37 weeks of pay if they meet the necessary eligibility criteria. The parents can decide to be off work at the same time and/or take it in turns to have periods of leave to look after the child. SPL may also be taken in more than one block.

### **3.2 Eligibility criteria for shared parental leave (SPL)**

SPL can only be used by the child's parents (the two people who will share the main responsibility for the care of the child at the time of the birth/placement for adoption) namely:

- the mother/adopter of the child **and**
- one of the following:
  - the father of the child or
  - the spouse, civil partner or partner of the child's mother/adopter (if the child's father does not share the main responsibility for the care of the child with the mother).

### **3.3 Additionally the following criteria must also be met:**

- The mother/adopter of the child must be/have been entitled to statutory maternity/adoption leave (or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance) and must have ended or given notice to curtail any maternity/adoption entitlements.
- The employee must still be working for the College in the week before each period of SPL starts.
- The employee must have a minimum of 26 weeks' continuous service at the end of the 15<sup>th</sup> week before the week in which the child is due /matched.
- In the 66 weeks leading up to the week in which the child is due /matched, the employee's partner must have worked (in an employed or self-employed capacity) for at least 26 weeks (which need not be continuous) and earned an average of at least £30 per week in any 13 of those weeks.
- The employee must give the necessary statutory notices and declarations to the College by completing the, '[Notice of Entitlement and Intention to take Shared Parental Leave Form](#)' and the '[Notice to Take or Vary a period of Shared Parental Leave Form](#)'. Please see section 9 for further details.

## **4 STATUTORY SHARED PARENTAL PAY (SHPP)**

**4.1** Eligible employees may be entitled to receive up to 37 weeks Statutory Shared Parental Pay (ShPP) whilst taking SPL, depending on how much maternity/adoption pay or maternity allowance the mother/adopter has already received at the point they choose to end their maternity/adoption entitlement. The remaining balance converts into a ShPP entitlement. ShPP is paid at a rate set by the government each year.

### **4.2 Eligibility criteria for statutory shared parental pay (ShPP)**

In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:

- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have curtailed their maternity/adoption pay period or maternity allowance period;
- The employee must intend to care for the child during the weeks in which ShPP is payable;
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15<sup>th</sup> week before the week in which the child is due /matched that are not less than the lower earnings limit in force for national insurance contributions;

- The employee must have at least 26 weeks' continuous employment at the end of the fifteenth week before the week in which the child is due or matched;
- The employee must give proper notification in accordance with the rules set out below.

## **5 SHARED PARENTAL LEAVE ENTITLEMENT**

**5.1** Eligible employees may be entitled to take up to 50 weeks SPL during the first year after birth or adoption.

**5.2** Subject to the mother/adopter curtailing their maternity/adoption leave entitlement, SPL can commence as follows:

- The mother can take SPL at any time after she has taken the legally required two weeks of compulsory maternity leave immediately following the birth of the child.
- The adopter can take SPL at any time after taking at least two weeks of adoption leave.
- The father/partner/spouse can take SPL at any time, including immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements.

**5.3** The amount of SPL available is 52 weeks less the weeks spent by the mother/adopter on maternity/adoption leave (or the weeks in which the mother/adopter has been in receipt of statutory maternity/adoption pay /maternity allowance (SMP/SAP/MA) if they are not entitled to maternity leave, for example because they are no longer employed). Any remaining entitlement is converted into SPL and can be shared between the two eligible parents. The partner of the mother or adopter can take SPL whilst the mother/adopter is still on maternity/adoption leave if they wish, providing the mother/adopter has given proper notice to end their entitlement to maternity/adoption leave (or SMP/SAP/MA if they are not entitled to maternity leave). It is for the parents to decide (and notify the College) of how SPL will be shared. The College must be notified of any change to the way parents wish to share the SPL between each other.

**5.4** Unlike maternity/adoption leave, eligible staff can stop and start their SPL and return to work between periods of leave with each eligible parent able to submit up to three notices booking periods of leave.

**5.5** 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.

**5.6** A mother/adopter may reduce their entitlement to maternity/adoption leave by giving notice to curtail their leave at a specified future date.

## **6 SHARED PARENTAL PAY (SHPP)**

**6.1** The amount of ShPP available is 39 weeks less any weeks of SMP/SAP/MA that the mother/adopter has already taken at the point that they ended their entitlement.

**6.2** Where both parents are eligible for ShPP, then it is for them to decide (and notify the College) on how the ShPP will be shared by completing the '[Notice of Entitlement and Intention to take Shared Parental Leave Form](#)'. The College must be notified of any change to the way parents wish to share the ShPP between each other.

## **7 APPLYING FOR SHARED PARENTAL LEAVE**

- 7.1** Staff must inform the College of their intention to take SPL at least 8 weeks before the date it is intended for SPL (and ShPP where applicable) to start, by completing Part 1 '[Notice of Entitlement and Intention to take Shared Parental Leave Form](#)'
- 7.2** **Step one: Ending Maternity/Adoption leave and opting into Shared Parental Leave**  
In order to be able to opt into SPL the mother/adopter must first have ended or given at least eight weeks' written notice to curtail their maternity/adoption leave (or entitlement to SMP/SAP/MA if the mother/adopter is not entitled to leave).
- 7.3** Once a mother/adopter has done this then they and/or their partner can declare to their employer an entitlement and intention to take SPL. RVC staff should declare this by completing the '[Notice of Entitlement and Intention to take Shared Parental Leave Form](#)'.
- 7.4** If the mother/adopter is an employee of the College, they can use this form to give both their notice to end their maternity/adoption leave **and** declare their entitlement to SPL in one go.
- 7.5** The notice to end maternity/adoption leave (or entitlement to SMP/SAP/MA if the mother/adopter is not entitled to leave) is binding and cannot usually be revoked. The curtailment notice can only be revoked if maternity/adoption leave has not yet ended and one of the following applies:
- it transpires that neither parent is in fact eligible for SPL or ShPP, in which case the curtailment notice can be revoked in writing up to eight weeks after it was given;
  - if the curtailment notice was given before birth, it can be revoked in writing up to six weeks after birth.; or
  - if the other parent has died.
- 7.6** Once a curtailment notice has been revoked, it will not be possible to opt back into SPL unless the notice was given before birth and revoked in writing within six weeks after birth.
- 7.7** **Step two: Declaring an Entitlement to Shared Parental Leave**  
Staff must provide the College with a written declaration of their entitlement and intention to take SPL (and ShPP where applicable) at least eight weeks before the employee intends to take SPL. This must be in writing using the '[Notice of Entitlement and Intention to take Shared Parental Leave form](#)'. The completed declaration should be sent to the employee's line manager with a copy to HR.
- 7.8** Where both parents are employees of the College they must submit separate declarations.
- 7.9** Upon receiving an employee's 'Notice of Entitlement and Intention to take Shared Parental Leave Form' the line manager should contact HR for advice or guidance and then aim to hold an early discussion with the employee around their leave intentions and how they wish to use their SPL entitlement.
- 7.10** **Step three: Requesting Shared Parental Leave (SPL)**  
Providing an employee has already declared their entitlement (using the Notice of Entitlement and Intention to take Shared Parental Leave form) employees can formally request a period of SPL by submitting a '[Notice to Take or Vary a period of Shared Parental Leave Form](#)' to their line manager (and a copy to HR). This form may be submitted at the same time as the 'Notice of Entitlement and Intention to take Shared Parental Leave' form or later, provided it is at least **8 weeks** before the date on which the employee wishes their leave to start.

- 7.11** Employees have the right to submit up to three requests, specifying leave periods they wish to take. Each request may be for:
- A single **continuous** period of unbroken leave; or
  - **Discontinuous** leave, which is multiple periods of leave over a period of time where the employee intends to return to work between each period of leave.
- 7.12** 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.
- 7.13** The request can either give the dates on which the employee wishes to take leave, or it can state the number of days after birth/placement that an employee wishes the leave to start and end. This may be helpful in cases where an employee intends to take paternity leave starting on the date of birth/placement and wishes to take SPL immediately afterwards.

## **8 RESPONDING TO A FORMAL REQUEST FOR SHARED PARENTAL LEAVE**

- 8.1** Requests for SPL must be dealt with as soon as possible by line managers and a response must be provided in writing no later than fourteen calendar days after the 'Notice to Take or Vary a period of Shared Parental Leave Form' is submitted. Upon receiving a 'Notice to Take or Vary a period of Shared Parental Leave Form' the line manager should contact HR for advice and guidance.
- 8.2** An employee has an automatic right to take a continuous block of leave requested in a single notification providing that it does not exceed the total number of SPL weeks available to them and that they have given at least eight weeks' notice.
- 8.3** The College will consider all requests for discontinuous leave but has the right to refuse them. Each request for discontinuous leave will be considered on a case by case basis. Where a member of staff has requested a period of discontinuous leave there will be a two week discussion period during which they may be invited by their line manager to an informal meeting before a decision is made so that the practicalities surrounding their request such as what will happen while the employee is away from work, whether a modified arrangement would be agreeable to both parties, what options are open to the employee and what the outcome may be if no agreement is reached. At the end of the discussion period, the College will confirm any agreed arrangement in writing.
- 8.4** Where a request for discontinuous leave is refused, the employee is entitled to take the leave in a single continuous block (starting on the date of the first period of SPL requested).

Alternatively the employee can either:

- choose a new start date (which must be at least eight weeks after the date the original notice was submitted) provided the College is notified of the new start date within five calendar days of the end of the two week discussion period; or
- withdraw their request within two calendar days of the end of the two week discussion period (this will not count as having used one of their three notices to book leave).

## **9 VARIATIONS TO ARRANGED SPL/ShPP**

- 9.1** Staff may vary or cancel an arranged period of SPL/ShPP provided that they advise their line manager in writing at least eight weeks before the original leave date or the new leave date, whichever is sooner. A request to vary pre-agreed leave should be made using the 'Notice to Take or Vary Shared Parental Leave Form'.
- 9.2** Variations may include a change to the start or end date for a period of SPL/ShPP or requests to combine or split periods of SPL/ShPP.

**9.3** 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, a change as a result of a child being born early or late, or as a result of the College requesting it to be changed, and the employee being agreeable to the change, will not count as further notification. Any variation will be confirmed in writing by the College.

## **10 PREMATURE BIRTH**

**10.1** Where the child is born early (before the week (beginning on a Sunday) in which the child is due), the employee may be able to start SPL in the eight weeks following birth even though it will not be possible to give eight weeks' notice. The following rules apply:

- If an employee has given a period of leave notice to start SPL on a set date in the eight weeks following the week in which the child is due, but their child is born early, they can move the SPL start date forward by the same number of days, provided they notify the College in writing of the change as soon as they can. (If the period of leave notice already contained a start date which was a set number of days after birth, rather than a set date, then no notice of change is necessary.)
- If the child is born more than eight weeks early and the employee wants to take SPL in the eight weeks following birth, they should submit their '[Notice of Entitlement and Intention form](#)' and '[Notice to Take or Vary a Period of Shared Parental Leave](#)' form as soon as they can.

## **11 TERMS AND CONDITIONS DURING SHARED PARENTAL LEAVE**

**11.1** During any period of SPL the contract of employment remains in force (unless the contract was due to expire during the period of SPL) and employees are entitled to receive all normal contractual benefits except for salary. In line with the contract of employment, staff are precluded from undertaking paid work outside the College except under conditions approved by the Head of Department.

**11.2** Employees will continue to be eligible to be considered for opportunities such as promotion that occur during SPL and staff may wish to ask a colleague to keep them in touch with events in their absence.

**11.3** Employees will continue to accrue contractual annual leave during SPL and should, where possible, take all leave entitlement prior to going on SPL. Employees may lose any leave not taken before the end of the leave year.

**11.4** If an employee is a member of one of the College's Pension Schemes, contributions will be deducted in accordance with pension scheme rules. These rules vary depending on which scheme the employee is a member of and further information should be obtained either from the website of the relevant scheme, or by contacting a member of the HR Team.

**11.5** During any period of unpaid leave, the employees' pension will be suspended. On their return to work they may elect, with the College's agreement, to pay additional contributions to make up their pensionable service. For further information please contact [Payroll](#).

## **12 SHARED PARENTAL LEAVE IN TOUCH (SPLIT) DAYS**

**12.1** An employee can agree to work for the College (or attend training) for up to 20 days over the

course of their SPL entitlement without bringing any period of SPL to an end or impacting on their right to claim ShPP for a particular week. These are known as Shared Parental Leave In Touch (SPLIT) days. Any work carried out on a day or part of a day shall constitute a day's work for these purposes. The purpose of this provision is to allow you to 'keep in touch' with the College.

- 12.2** There is no obligation on staff to work a SPLIT day if asked to do so by the College, nor is there any obligation on the College to agree to an employee working a SPLIT day if they ask to; SPLIT days must be discussed and agreed with their line manager.
- 12.3** Although any hours worked on a SPLIT day are paid at an employees normal basic rate of pay – any payment received will be inclusive of any ShPP entitlement.

### **13 RETURNING TO WORK AFTER SHARED PARENTAL LEAVE**

- 13.1** The College will confirm in writing the employees return to work date. If the employee is unable to return to work on this date due to sickness or injury, the College's normal arrangements for sickness absence will apply. In any other case, failure to return to work without prior authorisation will be treated as an unauthorised absence.
- 13.2** Where an employee wishes to end a period of SPL early or extend a period of SPL (assuming they still have SPL entitlement remaining), they may provide a written notice to vary the leave in accordance with paragraph 9 above. This will count as one of the 3 notifications that staff are allowed to make. If they have already used their three notifications to book and/ or vary leave (or they fail to provide 8 weeks' notice) then the College does not have to accept the notice to vary, but may do so if it is considered reasonably practical.
- 13.3** An employee returning to work from SPL will generally return to the job in which they were employed prior to the leave, on the terms and conditions that would have applied had they not been absent.
- 13.4** However, if the employee has taken SPL and maternity, paternity or adoption leave of more than 26 weeks in total (whether or not taken consecutively) (or if SPL was taken consecutively with more than four weeks of ordinary parental leave), and it is not reasonably practicable for the employee to return to the same job, the College may give the employee another job which is both suitable and appropriate and on terms and conditions no less favourable.
- 13.5** On returning from a period of SPL, an employee may wish to consider applying for a change to their working hours/pattern. Employees considering this option should look at the College's [Flexible Working Guide](#) for further information.