



UNIVERSITY OF PLYMOUTH

Shared Parental Leave & Pay Policy and Procedure

V2 01.04.2017

Summary

Shared Parental Leave (ShPL) and Pay (ShPP) enables mothers or primary adopters to share statutory maternity / adoption leave and pay with their partner.

This document:

- clarifies the criteria to determine if you (mother, primary adopter or partner) are eligible to share, or receive ShPL / ShPP
- outlines the conditions, including options and restrictions;
- sets out the process for notifying the University and booking ShPL
- explains the process for return to work or withdrawing from the ShPL
- highlights pension considerations
- points to where to access additional information

The same principles apply if you are a parent or partner in a surrogacy arrangement applying for a parental order and are eligible for adoption leave and pay.

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1. Policy statement

The University recognises how important it is for you to be able to achieve an effective work / life balance through our family friendly policies. Shared Parental Leave enables eligible mothers and primary adopters to choose how to share the care of their child during the first year of birth or adoption. This enables you and your partner greater flexibility in considering how to best care for, and bond with, your child. In addition to Shared Parental Leave, you may also be entitled to Shared Parental Pay.

This document provides information that will help you make an informed decision, including where to find answers to specific questions, and next steps.

The policy takes into account your statutory rights and responsibilities, outlined in the legislation introduced in April 2015.

2. List of acronyms

EWC	Expected Week of Confinement (Maternity)
QW	Qualifying week
HR	Human Resources
KIT	Keeping In Touch (days)
LEL	Lower Earnings Limit (pay threshold for tax / NI)
ShPL	Shared Parental Leave
ShPP	Shared Parental Pay
SShPP	Statutory Shared Parental Pay
OShPP	Occupational Shared Parental Pay
SPL	Shared Parental Pay and/or Leave
SPLIT	Shared Parental Leave In Touch (days)
SPP	Statutory Paternity Pay
SSP	Statutory Sick Pay

3. Eligibility

- a. You must be an employee of the University and a mother, primary adopter or partner. If you are a partner of a University employee, employed by another organisation, you should contact your own employer for advice.
- b. Your baby must be due, or your adopted child must be due to be placed, on or after 5th April 2015.
- c. You must be part of a couple¹ who have the main responsibilities for the care of your child in its first year.
- d. Both you and your partner must meet all qualifying conditions for entitlement. If only one partner is eligible then the couple will not qualify and the default maternity and adoption rules will apply. The mother or primary adopter must satisfy the conditions of the **continuity of employment** test (in e below), which is the same as the conditions for adoption and maternity pay. The partner must satisfy the conditions of the **earnings and employment test**, (in f below).
- e. **Continuity of employment test:**
 - i. To qualify for ShPL you must have been continuously employed by the University for 26 weeks up to and including the 15th week before the week in which your baby is due to be born. You will need to

¹ A couple will comprise of the mother or primary adopter and the partner who must be either: the husband, wife, civil partner or joint adopter; the child's other parent; or the partner (if they live with the mother or primary adopter and the child)

continue to be employed by the University in the week before any SPL is due to start.

- ii. If you are adopting a child, you must have been continuously employed by the University for 26 weeks in the week in which you have been notified as having been matched with a child. You will need to continue to be employed in the week before any SPL is due to start.
- iii. If you have a parental order in a surrogacy arrangement, the continuity of employment test is the same as those applied to birth parents.
- iv. To qualify for ShPP you must have earned no less than the LEL in the 8 weeks leading up to the qualifying week before the week in which your baby is due to be born or the notification of being matched with a child.

f. Partners earnings and employment test:

- i. As a partner, you must have been engaged in employment or self-employment in the UK for 26 weeks (the weeks do not need to be in a row) of the last 66 weeks immediately before your baby is due or due to be matched. Where your child is adopted from overseas, the date will be the date your child enters the UK.
- ii. In addition, your average weekly earnings must be at least £390.00 in total in 13 of the 66 weeks referenced above.

4. Conditions

- a. Shared Parental Leave is up to a maximum of 50 weeks.
- b. Shared Parental Pay is up to a maximum of 37 weeks.
- c. You need to take your SPL between the date of your baby's birth and their first birthday or within one year of adoption.
- d. For SPL to start, the Mother or Primary Adopter must curtail or cut short their statutory maternity / adoption leave and pay, or maternity allowance, to allow the remaining pay and leave to be shared.
- e. You cannot share leave in the first two weeks after the date of birth, or date of adoption. These first two weeks are referred to as compulsory maternity / adoption leave.

- f. When you curtail your statutory maternity / adoption leave, you will have effectively ended your statutory maternity / adoption pay and leave, which allows you, as a couple, to spread the remaining pay and leave between you.

g. Eligibility for Statutory Shared Parental Pay (SShPP)

To qualify for Statutory Shared Parental Pay (SShPP) you must have the appropriate continuity of service (employment with the University for at least 26 weeks at the 15th week before the child's due/matching date and are employed by the University in the first week of SPL) earning an average salary of the lower earnings limit or more for the 8 weeks prior to the 15th week before the child's due date or placement (QW – qualifying week).

Statutory Shared Parental Pay is paid up to 37 Weeks.

SShPP is paid at the same rate as the statutory lower rate maternity and adoption weekly pay, or 90% of average weekly earnings if this is lower. To receive SShPP, you will need to have a balance remaining after your partner has curtailed their statutory maternity / adoption pay and leave (or maternity allowance).

- Note weeks 1 to 2 are compulsory weeks which must be taken by the mother of the child through her SMP
- 37 weeks at the Statutory Rate (or 90% of average weekly earnings if this is less than Statutory Rate SMP). This is an amount fixed by the government each year, and current rates can be found on the [HR Community](#). This can be taken in blocks, but must be used before the baby's first birthday.

h. Eligibility for Occupational Shared Parental Pay (OShPP)

If you have a full or part-time contract of employment, have a minimum of 52 weeks' continuous service with the University at the qualifying week, and have given notice of your intention to return to work following SPL, you may be entitled to OShPP.

Please note that you may be entitled to OShPP even if you do not meet the criteria for SShPP.

OShPP needs to be taken consecutively following the date of the birth or adoption of your baby, however, SShPP can be taken in blocks, as referred to in 4 f above.

- Weeks 3 to 12 - 10 weeks' leave on full pay (inclusive of any SShPP)
- Weeks 13 to 24 - 12 weeks' leave on half pay plus SShPP (not exceeding full pay)
- Weeks 25 to 39 - 15 weeks' leave on SShPP at the appropriate rate
- Weeks 40 – 52 - up to 13 weeks' unpaid leave

All benefits are classed as earnings and are therefore subject to deductions for Tax and National Insurance Contributions.

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OShPP is based on your actual salary and continuing allowances at the time you start your SPP. OShPP is paid in complete weeks, based on the number of calendar days in the pay period and will be shown on your payslip as basic pay.

If you are paid on an hourly basis, your OShPP will be based on your average weekly pay in the 8 weeks before the QW.

If you have been paid OShPP you will need to return to work for a period of at least 13 weeks. If you have arranged to take annual leave or other paid absence before returning, this can count towards your 13 weeks, however, periods of unpaid parental leave will not count.

If you decide not to return to work for 13 weeks following your OShPP, you will need to repay the value of your OShPP.

If you have not decided whether you want to return to work, you may defer your OShPP until your return to work. You would receive SShPP when you are on SPP, and then be paid your OShPP in a lump sum when you have returned to work.

If you are on a fixed term contract that is due to end during the SPP and are not sure whether this will be extended, you are advised to defer your OShPP, to avoid having to repay this if you are not able to return.

- i. You need to take SPL in whole weeks. These weeks can either be taken in one continuous block or, with your manager's agreement, you may be able to take them in discontinuous blocks of leave.
- j. SPL does not replace Statutory Paternity Pay and Leave (SPP) which is available to fathers as a separate benefit, however, if you are planning to take SPP and SPL, the SPP has to be taken **before** any SPL.
- k. If you take SPL, with the exception of salary, you will continue to receive the same terms and conditions of employment, including benefits-in-kind and annual leave, that applied before your absence.
- l. If your role is made redundant whilst you are on SPL, you would be offered any suitable alternative vacancy under the University's Redeployment in preference to other employees.
- m. Whilst you are taking SPL, you will continue to accrue annual leave (both statutory and contractual). You may be asked to take any accrued holiday immediately after your SPL ends.
- n. The University will maintain your continuity of pension service and pension rights during any **paid** period of SPL subject to the individual scheme regulations.

5. Notification and booking Shared Parental Leave

- a. As a couple eligible for SPL, you must make a conscious and deliberate decision on whether you will share your parental leave and the pay. Once you have made this decision and given the appropriate notification, you will not normally be able to change your mind. The procedure for taking SPL is in two parts, beginning with the mother's declaration to curtail maternity or adoption leave and then booking leave. This process has been represented in the flow diagram, **SPL Notification and Booking Shared Parental Leave flow chart**.
- b. To give your notice to curtail or intention to curtail maternity or adoption leave and pay, you need to complete the **SPL1 notice of entitlement form**. Both you and your partner will need to sign this and give it to your Manager at least eight weeks before the intended start date of SPL.
- c. If you are a mother who is entitled to Maternity Allowance instead of Statutory Maternity Pay, you should submit your Declaration of Entitlement to Jobcentre Plus.
- d. You do not need to start SPL immediately after you have confirmed you are curtailing your maternity or adoption leave and pay, but once you have completed and submitted your SPL1 notice of entitlement, this will cancel your rights to maternity and adoption leave and/or pay, and these cannot be reinstated.
- e. The University may need to ask you for further evidence to support your entitlement within 14 days from the date the **notice of entitlement** was submitted.
- f. You need to submit a **SPL2 booking notice** either at the same time that you complete and submit your **SPL1 notice of entitlement** or later, but in either case giving no less than eight weeks' notice. You should discuss the requests for SPL with your manager, and will need to do so particularly where you are requesting discontinuous SPL weeks.
- g. Your manager is not able to refuse your request for continuous SPL as this is a statutory entitlement. If however, you and your partner would prefer to take blocks of leave with weeks in between, you will need to gain your manager's agreement for each period of discontinuous leave you would like to take. Your manager will need to make a decision based on each request, and whether your request can be accommodated, considering business needs. If your manager does not approve your request, you will be able to submit an alternative plan of SPL. You will need to allow eight weeks from your original submission before SPL can start. If you would like to cancel or vary leave, you should complete an **SPL3 Booking notice**.
- h. You may submit up to three booking notifications, excluding any that are withdrawn.
- i. If your baby is born early and you need to vary your SPL, you should advise your manager as soon as possible, and use the SPL3 Booking notice to vary your leave.

6. Returning to work after Shared Parental Leave

You will have notified your manager of your date of return to work when you completed your Booking Notice. If however, you wish to return to work on an earlier date, you will need to give eight weeks' notice.

7. Withdrawal of Shared Parental Leave

- a. If you are unwell and entitled to Statutory Sick Pay (SSP), you should follow your normal sickness absence reporting process for your department, and will be paid normal University sick pay. If this is the case, ShPP will be withdrawn.
- b. SPL will be withheld for any employee detained in legal custody or sentenced to a term of imprisonment (except where the term is suspended).

8. Shared Parental Leave In Touch Days – SPLIT Days

- a. During SPL, you can attend up to 20 days of work at any time either consecutively, singly or in blocks for the purpose of keeping in touch with the workplace. These are called SPLIT days and are in addition to the 10 KIT days available during statutory maternity and adoption leave.
- b. SPLIT days do not extend the period of SPL and need to be taken within the SPL period.
- c. Taking a SPLIT day is optional and is a matter of agreement between you and your manager.
- d. SPLIT days are paid by the number of hours worked on the day. The hourly rate is calculated by dividing your full-time annual pay by 1929. If you only work for part of a day this will still count as one SPLIT day. Please note that this will be offset against statutory and occupational shared parental pay.
- e. If you work a SPLIT day during a period of paid SPL, the amount paid for the day will be proportioned between the SPL weekly rate and pay.
- f. If you work more than 20 SPLIT days during a period of paid SPL, you will lose entitlement for that week.
- g. If you decide to work any SPLIT days, you will need to complete the SPLIT form and forward to your Manager for authorisation – see SPLIT form.

9. Accruing Pensionable Service

Pensionable service is **not** accrued during a period of unpaid shared parental leave. Scheme regulations differ and you should contact either your Pension Provider or the HR team for more information in relation to options on reallocating your pensionable service.

10. Links to guidance / relevant documentation

Further information can be found on the HMRC website by following the link below.

<https://www.gov.uk/shared-parental-leave-and-pay>

<https://www.gov.uk/plan-paternity-leave>

11. Contact

Contact HR Operations by e-mailing hr@plymouth.ac.uk or telephone 01752 588180.

12. Review

The University is committed to improving the way we lead and develop people, including ensuring all procedures are fit for purpose at individual, team and organisational level.

This procedure will be reviewed as necessary, taking into account user feedback, evaluation mechanisms and any changes in statutory regulations that may be relevant. Any feedback or comments that could improve the procedure should be fed back to the document owner.