



Shared Parental Leave Policy

1. Introduction

This Policy is part of the Working Time and Leave Framework which is made up of a number of elements which together encompass all formal policy, procedure and statement documents, including associated forms, relating to working time and leave in Abertay University.

If you would like this document in a different format (e.g. large print, braille) or need any assistance to access or understand the policy/procedure please contact your School/Service designated Senior HR Officer.

The University recognises that employees may have questions or concerns relating to their shared parental leave rights and encourages open discussion to ensure that issues can be resolved as quickly as possible. As the shared parental leave provisions are complex, if an employee wishes to take shared parental leave, he/she should clarify the relevant procedures with their designated Senior HR Officer to ensure that they are followed correctly.

2. Purpose

This policy sets out the rights of employees to shared parental leave and pay. Shared parental leave is a type of leave that is available to parents with babies due or placed for adoption on or after 5 April 2015. Shared parental leave enables mothers/adopters to commit to ending their maternity/adoption leave and pay and either sharing the untaken balance of leave and pay with their partner, or taking it at a later date.

Shared parental leave should not be confused with ordinary parental leave, which is unaffected. Ordinary parental leave is the entitlement to up to 18 weeks' unpaid leave and is covered by a separate University policy.

Definitions under this shared parental leave policy

The following definitions are used in this policy:

"Mother" means the mother or expectant mother of the child.

"Adopter" means the person adopting the child, who is entitled to Adoption Leave

"Partner" means the father of the child, or the person who, at the date of the child's birth, is married to, the civil partner of, or the partner of the mother/adopter. This includes someone, of either sex, who lives with the mother/adopter and the child in an enduring family relationship but who is not the mother/adopter's child, parent, grandchild, grandparent, sibling, aunt, uncle, niece or nephew.

"Parent" refers to the mother/adopter or partner.

"Expected week of childbirth/adoption" means the week, starting on a Sunday, during which the mother's doctor or midwife expects her to give birth or the adoption will take effect.

3 Scope

This policy applies to employees of the University, whether they are the mother/adopter or the partner. If only the mother/adopter is employed by the University, her/his partner must submit any notifications to take shared parental leave to his/her own employer, which may have its own shared parental leave policy in place, if he/she wants to take a period of shared parental leave.

Similarly, if only the partner is employed by the University, the mother/adopter must submit any notifications to take shared parental leave to her/his own employer.

The mother/adopter and the partner should ensure that they are each liaising with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

This policy does not form part of any employee's contract of employment and it may be amended at any time. The University may also vary any parts of this procedure, including any time limits, as appropriate in any case.

4 Amount of shared parental leave available

The amount of shared parental leave to which an individual is entitled will depend on when the mother/adopter brings their maternity/adoption leave period to an end and the amount of leave that the other parent takes in respect of the child. The combined maternity/adoption and shared parental leave entitlement for both parents is 52 weeks in total.

Shared parental leave must be taken in blocks of at least one week. The employee can request to take shared parental leave in one continuous block (in which case the University is required to accept the request as long as the employee meets the eligibility and notice requirements), or as a number of discontinuous blocks of leave (in which case the employee needs the University's agreement). Each parent is entitled to make up to three requests for leave per pregnancy. Shared parental leave can be taken by both parents at the same time or at separate times.

The first two weeks following birth are a compulsory maternity leave period and are reserved for the mother. This means that a mother cannot curtail her maternity leave to take shared parental leave until two weeks after the birth and the maximum period that the parents could take as shared parental leave is 50 weeks between them (although it will normally be less than this because of the maternity leave that mothers usually take before the birth).

The mother/adopter's partner can begin a period of shared parental leave at any time from the date of the child's birth/adoption (but the partner should bear in mind that he/she is entitled to take up to two weeks' ordinary paternity leave following the birth of the child, which he/she will lose if shared parental leave is taken first). Both parents must take any shared parental leave within 52 weeks of birth.

5 Eligibility

For an employee to be eligible to take shared parental leave each parent must meet certain eligibility requirements.

The employee must:

- have at least 26 weeks' continuous employment ending with the 15th week before the expected week of childbirth and remain in continuous employment with the University until the week before any period of shared parental leave that he/she takes;
- have, at the date of the child's birth, the main responsibility, apart from the other parent, for the care of the child;
- comply with the relevant shared parental leave notice and evidence requirements.

In addition, the other parent must:

- have been employed or been a self-employed earner in at least 26 of the 66 weeks immediately preceding the expected week of childbirth;
- have average weekly earnings of at least the maternity allowance threshold for any 13 of those 66 weeks; and
- have, at the date of the child's birth, the main responsibility, apart from the employee, for the care of the child.

The mother/adopter (whether she is the employee or not) must:

- be entitled to statutory maternity/adoption leave, statutory maternity/adoption pay or maternity/adoption allowance in respect of the child; and
- comply with the relevant maternity/adoption leave curtailment requirements (or have returned to work before the end of statutory maternity/adoption leave).

6 Applying for shared parental leave

The employee, whether the mother/adopter or the partner, must provide the University with a non-binding notice of entitlement and intention. The employee's notice of entitlement and intention, must be in writing and provided at least eight weeks before the start date of any period of shared parental leave to be taken by the employee. Further guidance, including details of the information to be provided, should be sought from the designated Senior HR Officer for your area.

Continuous period of shared parental leave

If the employee submits a period of leave notice requesting one continuous period of leave, he/she will be entitled to take that period of leave.

Discontinuous periods of shared parental leave

The employee may submit a period of leave notice requesting discontinuous periods of leave. For example, the mother/adopter and partner could request a pattern of leave from their respective employers that allows them to alternate childcare responsibilities.

If the employee submits a period of leave notice requesting discontinuous periods of leave, the University, in the two weeks beginning with the date the period of leave notice was given, can:

- consent to the pattern of leave requested;
- propose an alternative pattern of leave; or
- refuse the pattern of leave requested.

All requests will be given due consideration in line with the University's business needs and the requirements of the role.

7 Shared parental pay

Enhanced shared parental pay

Shared parental leave pay is available for up to 37 weeks of shared parental leave.

The University offers enhanced shared parental pay to employees who are eligible for shared parental leave, have 26 weeks' service by the 15th week before the Expected Week of Childbirth/Adoption, and are intending to return to work.

Enhanced shared parental pay entitlement is up to 7 weeks' normal pay, followed by up to 13 weeks' half pay (up to 20 weeks in total). If you receive more than 6 weeks' enhanced maternity/adoption pay in relation to the same child ("the excess"), then the 20 weeks enhanced shared parental leave pay entitlement will be reduced by the excess. The balance of shared parental pay will be at the statutory rate.

If you receive enhanced shared parental pay, then you will be required to return to work after your shared parental leave for a minimum period of 3 months. If you do not return to work, you will normally be required to repay the enhanced element of the pay received. Please contact Payroll for further details.

Statutory shared parental pay

Employees who are not eligible for enhanced shared parental pay may be entitled to statutory shared parental pay for which each parent must meet certain eligibility requirements. Your Senior HR Officer can advise on this, and details can be found at <https://www.gov.uk/shared-parental-leave-and-pay>

8 Rights during shared parental leave

During shared parental leave, all terms and conditions of the employee's contract except normal pay will continue.

9 Contact during shared parental leave

The University reserves the right to maintain reasonable contact with employees during shared parental leave. This may be to discuss employees' plans for their return to work, to

discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

An employee can agree to work for the University (or to attend training) for up to 20 days during shared parental leave without that work bringing the period of his/her shared parental leave and pay to an end. These are known as "shared-parental-leave-in-touch" (SPLIT) days.

The University has no right to require employees to carry out any work and employees have no right to undertake any work during their shared parental leave. Any work undertaken, and the amount of salary paid for any work done on SPLIT days, is entirely a matter for agreement between employees and the University.

10 Returning to work following shared parental leave

The employee has the right to resume working in the same job when returning to work from shared parental leave if the period of leave, when added to any other period of shared parental leave, statutory maternity/adoption leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.

If the employee is returning to work from shared parental leave and the period of leave taken is more than 26 weeks, when added to any other period of shared parental leave, statutory maternity or paternity leave taken in relation to the same child, or was the last of two or more consecutive periods of statutory leave that included a period of ordinary parental leave of more than four weeks, or a period of additional maternity leave, the employee has the right to return to the same job unless this is not reasonably practicable. If that is not reasonably practicable, the employee has the right to return to another job that is suitable and appropriate for him/her.

11 Review

This policy has been developed to implement new rights introduced by the Children and Families Act 2014. In view of the novel nature of shared parental leave in the UK and the consequent uncertainty regarding the uptake and effects, this policy is subject to review at any time.

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