



Shared Parental Leave Policy

1 Introduction

- 1.1 Shared Parental Leave is designed to give parents more flexibility in how to share the care of their child in the first year following birth or adoption. Parents will be able to share a pot of leave, and can decide to be off work at the same time and/or take it in turns to have periods of leave to look after their child.

2 Scope

- 2.1 This policy is applicable to all staff who meet the eligibility criteria.
- 2.2 This policy does not form part of any contract of employment and the University may amend it at any time.

3 General Principles

- 3.1 Staff will continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of maternity pay in accordance with the Maternity Leave Policy and the Statutory Maternity Pay scheme.
- 3.2 If she chooses to do so, a mother can end her maternity leave early and can opt to take the remaining leave and pay entitlement with the child's father or her partner as Shared Parental Leave instead of Maternity Leave. In order to do so both parties must meet the qualifying requirements.
- 3.3 Shared Parental Leave entitlement is additional to Paternity Leave entitlement. Paid Paternity Leave of two weeks will continue to be available in accordance with the Paternity Leave Policy. Staff are advised to take Paternity Leave before starting SPL, as once SPL begins, any untaken paternity leave entitlement is lost.
- 3.4 Staff who qualify for Adoption Leave will have the same rights as other parents to Shared Parental Leave, regardless of gender. They may also be the intended parents in a surrogacy

arrangement (where they will become the child's legal parents by applying for a parental order), or parents in a foster to adopt arrangement (see Adoption Leave Policy for details).

4 Frequently used terms

4.1 The definitions in this paragraph apply in this policy.

- Expected week of childbirth (EWC): the week, beginning on a Sunday, in which the doctor or midwife expects the child to be born.
- Parent: One of two people who will share the main responsibility for the child's upbringing (and who may be either the mother, the father, or the mother's partner if not the father).
- Partner: spouse, civil partner or someone living with the parent in an enduring family relationship (regardless of gender), but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- Qualifying Week: the fifteenth week before the EWC, or the week of notification of matching (in the case of adoption).

5 Shared Parental Leave (SPL) Entitlement

5.1 The total amount of SPL available is 52 weeks:

- less the weeks spent by the child's mother on maternity leave (or the weeks in which the mother has been in receipt of statutory maternity pay (SMP) or maternity allowance (MA) if she is not entitled to maternity leave), or
- less the weeks spent on adoption leave (or the weeks in which the adopter has been in receipt of statutory adoption pay (SAP)).

5.2 The mother cannot start SPL until after the two weeks of compulsory maternity leave following the birth of the child. An adopter or the parental order parent in surrogacy must take at least two weeks adoption leave before it can be curtailed.

5.3 The remaining unused maternity /adoption leave and pay entitlement can be taken as SPL by either parent (i.e.) up to a maximum of 50 weeks.

5.4 Parents can take their SPL at the same time as each other or at different times. All SPL must be taken before the child's first birthday or one year after the placement date in the case of adoption.

6 Eligibility for Shared Parental Leave (SPL)

6.1 Staff will qualify for Shared Parental Leave if A, B, C, D and E below are satisfied:

- A. The child's mother/main adopter must be entitled to maternity/adoption leave (or to statutory maternity/adoption pay or maternity allowance if she is not a member of staff), and have curtailed their maternity/adoption leave/pay before s/he has taken their full entitlement.
- B. Responsibility for care of the child:
- The member of staff is the child's mother, and shares the main responsibility for the care of the child with the child's father / other parent or
 - is the child's father and shares the main responsibility for the care of the child with the child's mother or other parent, or
 - is the mother's partner and shares the main responsibility for the care of the child with the mother / other parent; or
 - is the adopter and shares the main responsibility for the care of the child with their partner.
- C. Continuity of employment test:
- Staff must have worked for The University of Manchester for at least 26 weeks at the Qualifying Week and be still employed in the week before any Shared Parental Leave is to be taken.
 - For a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents.
- D. Employment and earnings test:
- the other parent must have worked (in an employed or self-employed capacity) in Great Britain in at least 26 of the 66 weeks before the EWC/date of placement. In 13 of those weeks they must have earned average weekly earnings of at least £30 a week and have paid either class 1 or class 2 national insurance contributions in those weeks (or hold an exemption certificate for those weeks).
- E. Statutory Notices and Declarations:
- The member of staff and the other parent must give the necessary statutory notices and declarations (contained in the forms accompanying this policy), including notice to end any maternity/adoption leave, SMP/SAP or MA periods.

7 Shared Parental Pay (ShPP) Entitlement

- 7.1 Shared Parental Pay (ShPP) is only available if the mother/main adopter was entitled to statutory maternity pay (SMP) or statutory adoption pay (SAP) or maternity allowance (MA). If a mother/main adopter does not qualify for SMP, SAP or MA, then the parents may qualify for shared parental leave, but they cannot qualify for ShPP.
- 7.2 Statutory Shared Parental Pay (ShPP) is a State benefit for parents on SPL, the conditions for which and the amount of which are determined by the Government but it is paid by the employer at a standard rate set by the Government each year.
- To qualify:
- the mother/main adopter must qualify for SMP, SAP or MA (see 7), AND
 - must qualify for SPL as in section 6 above, AND
 - must have average earnings at or above the lower earnings limit for National Insurance contributions in the 8 weeks before the Qualifying Week.
- 7.3 The maximum amount available to share will be 39 weeks less any weeks in which SMP, SAP or MA has been paid.
- 7.4 As both parents share the remaining entitlement, any ShPP that received by the other parent will be counted towards the entitlement to ShPP.

8 Eligibility for Occupational Shared Parental Pay (“OShPP”)

- 8.1 Occupational Shared Parental Pay (OShPP) is provided by the University to give enhanced benefits to staff who intend to return to work after SPL. This may be paid to either parent who is a member of staff of the University.
- 8.2 To qualify, staff must first qualify for Statutory Shared Parental Pay (ShPP) as set out in this policy.
- OShPP is paid at the full rate of normal basic salary and will include payment of ShPP.
 - OShPP will only be paid for SPL which:
 - is taken within the first 26 weeks of the start of the maternity/adoption leave (up to a maximum of the entitlement), AND
 - for weeks in which ShPP is payable.
- 8.3 If staff take Shared Parental Leave after the first 26 weeks of the start of the maternity/adoption, any entitlement to Shared Parental Pay will be paid at the statutory rate (up to the maximum of

the entitlement) whether the member of staff / their partner have used up the entitlement to OShPP or not.

8.4 If both parents work for the University, the maximum amount of OShPP available is 26 weeks less any weeks in which either parent has received OMP or OShPP.

8.5 If a member of staff fails to return to work after SPL or leaves within 12 weeks of their return to work from SPL, they must repay any Occupational Shared Parental Pay (OShPP) (but not statutory ShPP) and the University has the right to recover such payment.

Appendix 1 sets out examples of how OShPP will be paid.

9 How to take Shared Parental Leave

9.1 There are three stages that must be completed before SPL can be taken. In practice each stage requires the member of staff to complete and submit the appropriate notices/forms, which are referred to within each stage below. The stages are the same for Adoption leave but require separate versions of the forms to be completed.

9.2 Staff should notify their manager and HR Services as soon as possible if any of the information provided is incorrect, and/or if there is a change to any of the information provided. Knowingly providing incorrect information may be considered to be a disciplinary matter.

STAGE 1 – Curtailing maternity leave (if the member of staff is the child's mother / main adopter)

The child's mother or main adopter must complete form SPL1 (a curtailment notice) to give their manager and HR Services at least 8 weeks' written notice to end maternity leave, before they can take SPL. The notice must state the date maternity leave will end.

Notice may be given before or after the birth, but maternity leave cannot end until at least two weeks after birth.

At the same time as the curtailment notice, a notice to opt into the SPL scheme (see below) must be provided.

The mother's partner / other adopter may be eligible to take SPL from their employer before maternity leave ends, provided the curtailment notice has been submitted.

The curtailment notice is binding and cannot usually be revoked. A curtailment notice can only be revoked maternity leave has not yet ended and if one of the following applies:

- the member of staff realises that neither parent is in fact eligible for SPL or ShPP, in which case the curtailment notice can be revoked in writing up to 8 weeks after it was given; or
- curtailment notice was provided before giving birth, in which case it can be revoked in writing up to 8 weeks after it was given, or up to 6 weeks after birth, whichever is later; or
- the partner / other parent has died.

The mothers partner:

If the mother's partner is still on maternity leave or claiming SMP or MA, the mother's partner will only be able to take SPL once she has either:

- returned to work; or
- given her employer a curtailment notice to end her maternity leave; or
- given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave); or
- given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).

Once the mother has given notice to end her maternity leave and pay as set out above, the father/partner does not have to wait for her to return to work before SPL can begin.

STAGE 2 – Opting In to Shared Parental leave by issuing Notice of Entitlement and Intention to take Shared Parental Leave

At least 8 weeks before the date SPL to intended to start, the member of staff must give their manager and HR Services a written opt-in notice:

- the mother must complete form SPL2.
- the mother's partner must complete form SPL3.
- The information and declarations required are contained in these forms.

STAGE 3 - Booking Shared Parental Leave

Having opted into the SPL system the member of staff will need to confirm the periods of SPL they wish to take by booking the leave.

- A Booking Notice (form SPL4) must be completed and submitted either at the same time as the opt-in notice (see Stage 2 above) or later, as long as it is given at least 8 weeks before the beginning of the leave. Completed forms must be given to the manager and HR Services.
- Staff may submit up to a maximum of three Booking Notices.
- SPL can start on any day of the week but can only be taken in complete weeks.
- Staff who request a single continuous block of SPL (e.g. a block of 3 months leave) will be entitled to take the leave as requested.

Procedure for requesting split/discontinuous periods of SPL

If staff wish to request a pattern of discontinuous leave where the SPL is interspersed with periods of work (e.g. to take 4 weeks in June, 4 weeks in September, 4 weeks in November), this should be discussed and agreed with their manager. It may not be possible to agree to such a pattern but full consideration will be given.

Staff should submit their SPL Booking Notice setting out the requested pattern of leave at least 8 weeks before the requested start date. Discussions can take place between individuals and their manager in advance of the Booking Notice to allow as much time as possible to consider the request.

The following procedure will apply:

On receipt of a Booking Notice there will be 2 week discussion period to enable the manager to discuss and consider the request. The manager can:

- agree to the request, or
- refuse the request, or
- attempt to agree an alternative pattern of leave.

If the request is refused or no agreement can be reached during this 2 week period the member of staff may withdraw the SPL Booking Notice at any time up to and including the 15th calendar day after submitting it. In these circumstances the withdrawn form will not count towards the cap of three SPL Booking Notices; or

If the notice has not been withdrawn they will be required to take the total amount of leave requested in one continuous block. The member of staff will have 5 calendar days at the end of the 2 week

discussion period in which to specify the date on which the leave will start. The leave cannot start within 8 weeks of the date that the SPL Booking Notice was submitted. Where a date is not specified within 5 days, the leave will start on the first day of the first week of leave stated in the original SPL Booking Notice.

Changing the dates or cancelling SPL

A period of leave can be cancelled by notifying the manager and HR Services in writing at least 8 weeks before the start date in the SPL Booking Notice. The start date for a period of leave, or the length of the leave, can be changed by notifying us in writing at least 8 weeks before the original start date and the new start date.

The end date for a period of leave can be changed by notifying us in writing at least 8 weeks before the original end date and the new end date.

Staff can combine split periods of leave into a single continuous period of leave by notifying us in writing at least 8 weeks before the start date of the first period.

Staff can request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between. Any request will be fully considered.

Maximum of Three SPL Booking Notices

Staff are entitled to submit a maximum of three SPL Booking Notices. A notice to change or cancel a period of leave will count as one of the three Booking Notices, unless:

- the variation is a result of the child being born earlier than the EWC. In this case it is not necessary to give 8 weeks' notice if the date of SPL is changing the dates because the child has been born earlier than the EWC, where the member of staff wanted to start their SPL within the first 8 weeks after birth. In such cases staff should us in writing of the change as soon as possible
- or the variation is at the request of the University.

10 Maintaining contact during SPL

10.1 Members of staff can work up to 20 days during SPL without bringing it to an end or extending the period of SPL. These are called 'shared parental leave in touch' (SPLIT) days. These days

are in addition to the 10 'keeping in touch' (KIT) days already available to those on maternity or adoption leave.

- 10.2 SPLIT days are optional – they must be agreed in advance by both the member of staff and the manager. SPLIT days will be accommodated wherever possible.
- 10.3 Working for any part of a day will count as one of the 20 SPLIT days. The University will pay the normal hourly basic rate of pay (inclusive of Statutory and/or Occupational Shared Parental Pay) for the number of hours which are worked on a SPLIT day. A log of days worked must be kept using (form SPL5) and submitted for payment on return to work at the end of the full SPL period.
- 10.4 In addition, during SPL the University may also make reasonable contact with staff on SPL, for example, to discuss return to work arrangements or to communicate important information, such as news of changes at the workplace or promotion opportunities relevant to their job.

11 Returning to Work

- 11.1 The return to work interview checklist (form ML/ADL3) provides a useful tool for Managers to assist staff in making a successful transition back into work. This may be discussed on the return from SPL or during SPLIT days in the lead up to the return to work.
- 11.2 Staff will normally return to the same job that they had before they went on SPL leave. However, if this is not reasonably practicable, they may be re-deployed to another suitable and appropriate job on terms and conditions that are not less favourable, but only where:
- the amount of SPL and any maternity/adoption or paternity leave taken adds up to more than 26 weeks in total (whether or not taken consecutively); or
 - SPL has been taken consecutively with more than 4 weeks of unpaid parental leave.
- 11.3 Where a member of staff wishes to change their hours or other working arrangements on return from SPL, they should submit a request under the Flexible Working Policy and discuss this with their manager as early as possible.
- 11.4 Staff who wish to amend their return to work date (either to end SPL early or extend it) must provide 8 weeks' notice in writing to their manager and HR Services. However, a notice to vary agreed leave counts towards the cap of 3 SPL Booking Notices. If the three SPL Booking

Notices have already been used, it will not be possible to amend the return date without the University's agreement.

- 11.5 A member of staff who decides not to return to work should give notice of resignation in accordance with their contract of employment. This will have an impact upon entitlement to Occupational Shared Parental Pay, which the University will be able to recover (to the extent that it exceeds Statutory Shared Parental Pay).
- 11.6 If a member of staff fails to return to work after SPL without having submitted a notice of resignation, they will be treated as being on unauthorised absence, and the University will be entitled to take appropriate disciplinary action, which may include dismissal. This will also have an impact upon entitlement to Occupational Shared Parental Pay, which the University will be able to recover (to the extent that it exceeds Statutory Shared Parental Pay).
- 11.7 If a member of staff leaves employment within 12 weeks of the return to work after SPL this will have an impact upon entitlement to Occupational Shared Parental Pay, which the University will be able to recover (to the extent that it exceeds Statutory Shared Parental Pay). This provision shall not apply to staff who are employed on a fixed term contract that expires either before the return to work from SPL or within a period of 12 weeks from the return to work from SPL provided that they have not (i) been notified that the contract is to be renewed/extended or (ii) refused an offer of suitable alternative employment.

12 Other conditions during SPL

12.1 Continuity of employment

Periods of SPL are counted as periods of continuous employment. Staff are entitled to the benefit of (and bound by) their normal terms and conditions of employment, except for terms relating to pay during periods of SPL. This includes benefits in kind such as those provided through salary exchange arrangements like PensionChoice.

12.2 Annual Leave during SPL

During the period of SPL staff will continue to accrue annual leave, including bank holidays and closure days, in the normal way. Annual leave should be taken during the current leave year wherever possible. Staff are expected to plan annual leave to stay within the existing conditions applied to carrying leave forward i.e. up to a maximum of 5 days. Staff will normally only be

allowed to carry over more accrued annual leave into the next leave year if it has not been possible to take it.

If the member of staff is transferring to part-time work on their return, they must take any outstanding full-time annual leave allowance prior to returning to work.

12.3 Parental Leave

Staff may also apply for unpaid parental leave during this period, (i.e. staff may apply for up to 4 weeks unpaid leave within a year).

12.4 Sick leave during SPL

A member of staff who is ill and unable to care for their child who follows the University's normal sickness absence reporting procedures, will be considered to be on sick leave rather than SPL.

12.5 Pension scheme membership during SPL

- During any period of SPL on full pay, pension contributions/PensionChoice will continue as usual. Payslips will detail how a member of staff is currently making pension contributions.
- During any period when the member of staff is receiving Statutory SHPP only:
- the University will pay all pension costs where the member of staff participates in PensionChoice;
- if the members of staff does not participate in PensionChoice, staff pension contributions are based on Statutory ShPP; the University will make up the balance of staff contributions due on the difference between pre SPL salary and ShPP, plus employer contributions based on the pre SPL salary.
- During any period of unpaid SPL pension contributions/PensionChoice will not be made by the member of staff or the University and pensionable service will not be earned for this period. Staff may choose to make this period pensionable on their return to work. Any contributions will be based on the salary that would have been earned during this period; if the individuals pays contributions for this period, the University will also pay its contributions to their pension scheme.

Staff should contact the Pensions Office for further information.

12.6 Fixed term contracts

Staff on fixed-term contracts are covered by this policy and associated provisions until the contract expires. If a FTC employment comes to an end while the individuals is still entitled to

some ShPP then any remaining weeks will usually remain payable unless they start working for someone else.

Staff on fixed term contracts whose date of contract expiry means that they cannot meet the requirement to return for 12 weeks will not be required to repay any occupational shared parental pay received provided that they have not:

- been notified that their contract is to be renewed/extended, or
- refused an offer of suitable alternative employment.

Where the fixed term contract is due to end by reason of redundancy during shared parental leave a member of staff on the Redeployment Register will be offered a suitable alternative post where such a post becomes available.

12.7 Effect on Probation periods

There may be occasions when the probationary period is interrupted. In such circumstances it should be made clear (and confirmed in writing) to the individual whether probation is continuing or is being suspended. If it is the latter an indication of the period it is suspended should be given.

12.8 Overpayments

If the University makes an overpayment of Statutory or Occupational Shared Parental Pay, the amount of any such overpayment will be deducted from salary (which may include holiday pay, sick pay, bonus, honoraria, one-off payments, market supplements and pay in lieu of notice).

Further information

Gov.UK ready reckoner to help calculate entitlements:

<https://www.gov.uk/pay-leave-for-parents>

ACAS good practice guide for employers and employees:

<http://www.acas.org.uk/media/pdf/r/q/Shared-Parental-Leave-a-good-practice-guide-for-employers-and-employees.pdf>

Document control box	
Policy / Procedure title:	Shared Parental Leave
Date approved:	TBC 2021
Approving body:	HR Sub Committee of the Planning & Resources Committee
Version:	2
Supersedes:	March 2015
Previous review dates:	
Next review date:	TBC 2021
Equality impact outcome:	High
Related Statutes, Ordinances, General Regulations:	
Related policies:	Maternity Leave Policy and Procedures Paternity Leave Policy and Procedures Adoption Leave Policy and Procedures Parental Leave Policy Flexible Working Policy Career Break Policy
Related procedures:	
Related guidance and or codes of practice:	
Related information:	
Policy owner:	Director of Human Resources
Lead contact:	Policy Manager

Appendix 1 - Examples of Shared Parental Leave and Pay arrangements.

The following examples illustrate how Shared Parental Leave and pay will apply (subject to eligibility in all cases), and in particular how Occupational Shared Parental Pay will apply to University members of staff.

Terms used:

Occupational Maternity pay – OMP

Statutory Maternity pay – SMP

Occupational Shared Parental pay – OshPP

Statutory Shared Parental pay - SShPP

Shared Parental Leave - SPL

Determining entitlement

The Maternity Leave and pay provisions for University members of staff are as follows:

- 26 weeks at OMP (full pay) inclusive of SMP
- 13 weeks at SMP
- 13 weeks unpaid.

When Maternity leave is curtailed early and the parents opt into SPL, any untaken maternity leave and pay entitlement is converted to SPL and pay. This provides a pot of leave and pay which can be shared by both parents.

Example 1

Maternity leave ends after 16 weeks. The amount of SPL and pay available will be:

- 10 weeks at OShPP inclusive of ShPP
- 13 weeks at ShPP
- 13 weeks unpaid

a) If both parents are University members of staff:

Either parent can take 10 weeks at OShPP provided that this leave is taken within the first 26 weeks from the start of the Maternity Leave and that there are 10 weeks of ShPP available to use:

Mother works here	Weeks 1 – 16 (16 weeks) Maternity leave	at work	at work	Weeks 30- 39 (10 weeks) ShPP	Weeks 40 – 52 (13 weeks) unpaid
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	OMP				
Partner works here		Weeks 17 – 26 (10 weeks) OShPP incl. of ShPP	Weeks 27 - 29 (3 weeks) ShPP	at work	at work

If they both wish to be off at the same time the OShPP will be split equally at 5 weeks each:

Mother works here	Weeks 1 – 16 (16 weeks) Maternity leave OMP	Weeks 17 – 21 (5 weeks) OShPP incl. of ShPP	Weeks 22 – 28 (7 weeks) ShPP	Weeks 29 – 34 (6 weeks) unpaid	at work
Partner works here		Weeks 17 - 21 (5 weeks) OShPP incl. of ShPP	Weeks 22 - 27 (6 weeks) ShPP	Weeks 28 - 34 (7 weeks) unpaid	at work

b) If only one parent works at the University:

Either parent can take 10 weeks at OShPP provided that this leave is taken within the first 26 weeks from the start of the Maternity Leave and that there are 10 weeks of ShPP available to use:

Mother works here	Weeks 1 – 16 (16 weeks) Maternity leave OMP	Weeks 17 – 26 (10 weeks) OShPP incl. of ShPP	Weeks 27 - 29 (3 weeks) ShPP	Weeks 30- 42 (13 weeks) unpaid	at work
Partner works elsewhere		Weeks 17 – 26 (10 weeks) ShPP	at work	at work	at work

Partner works here		Weeks 17 – 26 (10 weeks) OShPP incl. of ShPP	Weeks 27 - 29 (3 weeks) ShPP	Weeks 30- 42 (13 weeks) unpaid	at work
Mother works elsewhere	Weeks 1 – 16 (16 weeks) Maternity leave	Weeks 17 – 26 (10 weeks) ShPP	at work	at work	at work

OMP cannot be taken after the first 26 weeks:

Mother works here	Weeks 1 – 16 (16 weeks) Maternity leave OMP	at work	Weeks 33- 39 (7 weeks) ShPP	Weeks 40 – 52 (13 weeks) unpaid	at work
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Partner works elsewhere		Weeks 17 – 32 (16 weeks) ShPP	at work	at work	at work
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