

Shared Parental Leave Policy and Procedures

1. Introduction

- 1.1. Shared Parental Leave allows parents more flexibility for sharing their childcare in the first year following birth or adoption.
- 1.1 Parents are able to 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. The Shared Parental Leave policy applies to UMC employees who meet the eligibility criteria, or where a child is placed for adoption on or after that date, or in the case of overseas adoption where the child enters the UK on or after that date.
- 2.2. This policy applies to UMC employees, but not to agency workers or self-employed contractors.
- 2.3. This policy does not form part of any employee's contract of employment and the company may amend it at any time.

3. Key points

- 3.1. Employees will continue to be entitled to 52 weeks of Maternity Leave and 39 weeks of maternity pay subject to, and in accordance with, the Maternity Leave Policy and Procedure.
- 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 (who may be male or female) 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, for which two weeks will continue to be available in accordance with the Paternity Leave Policy, although Shared Parental Leave (SPL) replaces the former 'Additional Paternity Leave.
- 3.4. However, employees are advised to take Paternity Leave before starting SPL, as once SPL is started, any untaken paternity leave entitlement will then be lost.
- 3.5. Employees who qualify for Adoption Leave, whether male and female or of the same sex, will have the same rights as other parents to Shared Parental Leave.

- 3.6. Employees may also qualify for Adoption Leave as 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:

- a) **Expected week of childbirth (EWC):** the week, beginning on a Sunday, in which the doctor or midwife expects your child to be born.
- b) **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).
- c) **Partner:** the spouse, civil partner or someone living with the employee in an enduring family relationship - but not a sibling, child, parent, grandparent, grandchild, aunt, uncle, niece or nephew.
- d) **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, minus the following:

- i. 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);
- ii. 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.

5.3. An adopter or the parental order parent in surrogacy must take at least two weeks adoption leave before it can be curtailed.

5.4. 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.

5.5. Parents may take their SPL at the same time as each other or at different times.

5.6. 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)

Employees will qualify for Shared Parental Leave if the following are satisfied:

6.1. 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 an employee), and

have curtailed their maternity/adoption leave/pay before s/he has taken their full entitlement.

- 6.2. They are either child's mother, father, mother's partner (where the child's father does not share the main responsibility with the mother) or the adopter and share the main responsibility for the care of the child with the other parent or partner (as described in 4.1 above)
- 6.3. They have worked for The University of Manchester for at least 26 weeks at the Qualifying Week and are still employed in the week before any Shared Parental Leave is to be taken.
- 6.4. In a parental order parent in a surrogacy arrangement, the continuity of employment test is the same as that which applies to birth parents.
- 6.5. The other parent or partner must have worked (in an employed or self-employed capacity) in the UK in at least 26 of the 66 weeks before the EWC/date of placement, in which 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).
- 6.6. They and the other parent or partner 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).
- 7.2. 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.

8. Eligibility for Statutory Shared Parental Pay (“ShPP”)

- 8.1. 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.
- 8.2. To qualify:
 - i. The mother/main adopter must qualify for SMP, SAP or MA (see 7); and...
 - ii. The individual must qualify for SPL as in section 6 above; and...
 - iii. The individual must have average earnings at or above the lower earnings limit for National Insurance contributions in the 8 weeks before the Qualifying Week.
- 8.3. The maximum amount available to share will be 39 weeks less any weeks in which SMP, SAP or MA has been paid.
- 8.4. As both parents share the remaining entitlement, any ShPP that their partner receives will be counted towards the individual's entitlement to ShPP.

9. Eligibility for Occupational Shared Parental Pay (“OShPP”)

- 9.1. Occupational Shared Parental Pay (OShPP) is provided by the company to give enhanced benefits to staff who intend to return to work after SPL, and this may be paid to either parent who is an employee of the company.
- 9.2. To qualify, the employee must qualify for Statutory Shared Parental Pay (ShPP) as above (8.2).
- 9.3. OShPP is paid at the full rate of normal basic salary and will include payment of ShPP.
- 9.4. OShPP will only be paid for SPL which:
 - 9.4.1. Is taken within the first 26 weeks of the start of the maternity/adoption leave (up to a maximum of your entitlement); and...
 - 9.4.2. For weeks in which ShPP is payable.
- 9.5. If the individual takes 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 your entitlement), regardless of whether the individual or their partner have used up your entitlement to OShPP or not.
- 9.6. If both parents/partners work for the company, the maximum amount of OShPP available to is 26 weeks, minus any weeks in which they have received OMP or OShPP.
- 9.7. If the employee 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 company has the right to recover such payment from them.
- 9.8. Appendix 1 sets out examples of how OShPP will be paid.

10. How to take Shared Parental Leave

- 10.1. Each of the following stages requires the employee to complete and submit the appropriate notices/forms, as indicated; these are the same as the requirements for Adoption leave, but separate versions of the forms are to be completed:
 - 10.1.1. STAGE 1 - the mother curtailing maternity leave
 - a) The child's mother must complete form SPL1 (a curtailment notice) giving the Line Manager and HR Services at least 8 weeks' written notice to end the maternity leave, before SPL can be taken; the notice must state the date on which maternity leave will end.
 - b) Notice may be given before or after giving birth, but the employee cannot end their maternity leave until at least two weeks after birth.
 - c) The employee must also provide, at the same time as the curtailment notice, a notice to opt into the SPL scheme (see Stage 2 below).

- d) The employee's partner may be eligible to take SPL from their employer before maternity leave ends, provided the curtailment notice has been submitted.
- e) The curtailment notice is binding and cannot usually be revoked, unless maternity leave has not yet ended and if one of the following applies:
 - i. Neither the employee or your partner are 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...
 - ii. the curtailment notice was submitted before the birth of the child, whereby 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...
 - iii. the employee's partner has died.
- f) If the mother is still on maternity leave or claiming SMP or MA, the partner will only be able to take SPL once the mother has undertaken any of the following:
 - i. Returned to work
 - ii. Given her employer a curtailment notice to end her maternity leave
 - iii. Given her employer a curtailment notice to end her SMP (if she is entitled to SMP but not maternity leave)
 - iv. Given the benefits office a curtailment notice to end her MA (if she is not entitled to maternity leave or SMP).
- g) 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.

10.1.2. STAGE 2 - Opting In to Shared Parental Leave (by issuing Notice of Entitlement and Intention to take Shared Parental Leave)

- a) At least 8 weeks before the intended start date for SPL, the employee must give the Line Manager and HR Services the relevant written opt-in notice, which contain the information and declarations required within the following forms:
 - i. The mother must complete form SPL2
 - ii. The mother's partner must complete form SPL3.

10.1.3. STAGE 3 - Booking Shared Parental Leave

- a) Having opted into the SPL system the employee must confirm the periods of SPL required through booking the leave.
- b) A Booking Notice (form SPL4) must be submitted, either at the same time as the opt-in notice (see Stage 2 above) or later, but at least 8 weeks before the intended start date for the leave period.
- c) Completed forms must be given to the Line Manager and HR Services.

- d) The employee may submit up to a maximum of three Booking Notices (see 12).
- e) SPL can start on any day of the week but can only be taken in complete weeks.
- f) If a single continuous block of SPL (e.g. a block of 3 months leave) is requested, the employee will be entitled to take the leave as requested.

10.1.4. Procedure for requesting split/discontinuous periods of SPL

- a) Where 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) is requested, this must be discussed and agreed by the employee with his/her Line Manager.
- b) If it is not possible to agree to a requested pattern of work, the Flexible Working Policy provides examples of the grounds upon which a request may be refused.
- c) An employee must submit a SPL Booking Notice setting out the requested pattern of leave at least 8 weeks before the requested start date; however an employee may wish to discuss this with their Line Manager before submitting a Booking Notice to allow as much time as possible to consider the request.
- d) On receipt of a Booking Notice there will be 2 week discussion period to enable the employee and their Line Manager to discuss and consider the request; the Line Manager may either:
 - i. agree to the request;
 - ii. refuse the request; or
 - iii. attempt to agree an alternative pattern of leave with the employee.
- e) If the request is refused or no agreement can be reached during this 2 week period the following options may apply:
 - i. The employee may withdraw the SPL Booking Notice at any time up to and including the 15th calendar day after submitting it, whereby the form would not count towards the cap of three SPL Booking Notices;
 - ii. If the Booking Notice is not withdrawn, the employee will be required to take the total amount of leave requested in one continuous block; he/she would 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; or
 - iii. If the employee does not specify a date within 5 days, the leave will start on the first day of the first week of leave stated in the original SPL Booking Notice.

- f) The employee must notify his/her Line Manager and HR Services as soon as possible if they discover that any of the information that they have provided is incorrect, and/or if there is a change to any of this information.
- g) For the avoidance of doubt it is a potential gross misconduct offence if you knowingly provide incorrect information.

11. Changing the Dates or Cancelling SPL

- 11.1. Employees are able to cancel a period of leave by notifying the company in writing at least 8 weeks before the start date in the SPL Booking Notice.
- 11.2. Employees may change the start date for a period of leave or the length of the leave, by notifying the company in writing, at least 8 weeks before the original start date and the new start date.
- 11.3. Employees may change the end date for a period of leave by notifying the company in writing, at least 8 weeks before the original end date and the new end date.
- 11.4. Employees may combine split periods of leave into a single continuous period of leave by notifying the company in writing, at least 8 weeks before the start date of the first period.
- 11.5. An employee may request that a continuous period of leave be split into two or more discontinuous periods with periods of work in between; any such request will be considered, as set out in section 10.1.14.

12. Maximum of Three SPL Booking Notices

- 12.1. An employee is entitled to submit a maximum of three SPL Booking Notices.
- 12.2. A notice to change or cancel a period of leave will count as one of these three Booking Notices, unless either:
 - i. The variation is a result of the child being born earlier than the EWC, for which the individual does not need to give 8 weeks' notice if they then decide to change the dates of the SPL because they intended to start the SPL within the first 8 weeks after birth. In such cases the company must be notified in writing of the change as soon as possible; or
 - ii. The variation is at the request of the company.

13. Maintaining contact during SPL

- 13.1. Employees can work 'shared parental leave in touch' (SPLIT) days, which is to 20 days during the SPL period, and which will not bring it to an end or extending the SPL.
- 13.2. SPLIT days are in addition to the 10 'keeping in touch' (KIT) days already available to those on maternity or adoption leave.
- 13.3. SPLIT days are optional and must be agreed in advance by both the employee and the line manager.
- 13.4. Working for any part of a day will count as one of the 20 SPLIT days, for which the company will pay employees at their normal hourly basic rate of pay (inclusive of

Statutory and/or Occupational Shared Parental Pay) for the number of hours worked on a SPLIT day.

- 13.5. A log of SPLIT days worked must be kept using (form SPL5) and submitted for payment on return to work at the end of the full SPL period.
- 13.6. In addition, during SPL the company may also make reasonable contact with the employee, for example - to discuss return to work arrangements or to communicate important information, such as news of changes at the workplace or promotion opportunities which may be relevant to the individual's job.

14. Returning to Work

- 14.1. The return to work interview checklist (form ML/ADL3) provides a useful tool for Line Managers to assist employees in making a successful transition back into work, and this may be discussed upon the employee returning from SPL or during SPLIT days in the lead up to their return to work.
- 14.2. The employee will normally return to the same job held before going on SPL leave; however, if this is not reasonably practicable, the employee may be re-deployed to another suitable and appropriate job on terms and conditions that are no less favourable, but only where either:
 - i. 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
 - ii. The employee has taken SPL consecutively with more than 4 weeks of unpaid parental leave.
- 14.3. If the employees wish 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 the Line Manager as early as possible.
- 14.4. If the employee wishes to amend the return to work date (either to end the SPL early or extend it) he/she must provide 8 weeks' notice in writing to the Line Manager and HR Services.
- 14.5. However, a notice to vary agreed leave counts towards the cap of 3 SPL Booking Notices; if the employee has already used up his/her three SPL Booking Notices it will not be possible to amend the return date without the company's agreement.
- 14.6. If the employee does not want to return to work, he/she must give notice of resignation in accordance with their contract of employment; this would have an impact upon the individual's entitlement to Occupational Shared Parental Pay, which the company will be able to recover from them (to the extent that it exceeds Statutory Shared Parental Pay).
- 14.7. If the employee fails to return to work after SPL without having submitted a notice of resignation, he/she will be treated as being on unauthorised absence, and the company will be entitled to take appropriate disciplinary action, which may include dismissal. This will also have an impact upon the employee's entitlement to Occupational Shared Parental Pay, which the company is able to recover from the employee (to the extent that it exceeds Statutory Shared Parental Pay).

14.8. If an individual leaves his/her employment within 12 weeks of their return to work after SPL, this will have an impact upon the employee's entitlement to Occupational Shared Parental Pay, which the company will be able to recover from the employee (to the extent that it exceeds Statutory Shared Parental Pay).

14.9. This provision (14.8) shall not apply to the employee is employed on a fixed term contract that expires either before their return to work from SPL, or within a period of 12 weeks from their return to work from SPL, provided that they have not either:

- i. Been notified that their contract is to be renewed/extended;
- ii. Refused an offer of suitable alternative employment.

15. Continuity of employment

15.1. Periods of SPL are counted as periods of continuous employment.

15.2. Employees 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, such as like PensionChoice.

16. Annual Leave during SPL

16.1. During the period of SPL the employee will continue to accrue annual leave, including bank holidays and closure days, in the normal way.

16.2. Annual leave should be taken during the current leave year wherever possible, and employees 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, whereby they 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.

16.3. If an employee transfers to part-time work upon their return, he/she must take any outstanding full-time annual leave allowance prior to returning to work.

17. Parental Leave

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

18. Sick-absence leave during SPL

18.1. An employee who is ill and unable to care for their child, and who follows the company's normal sickness absence reporting procedures, will be considered to be on sick leave rather than SPL.

19. Pension scheme membership during SPL

19.1. During any period of SPL on full pay, pension contributions/Pension Choice will continue as usual.

- 19.2. During any period when the employee is receiving Statutory SHPP only.
- 19.3. The company will pay all pension costs where the employee participates in PensionChoice.
- 19.4. If the employee does not participate in PensionChoice, employee pension contributions are based on Statutory ShPP; the company will make up the balance of employee contributions due on the difference between pre SPL salary and ShPP, plus employer contributions based on the pre SPL salary.
- 19.5. During any period of unpaid SPL pension contributions/PensionChoice will not be made by the employee or the company, and pensionable service will not be earned for this period.
- 19.6. An employee may choose to make the period above (19.5) pensionable upon their return to work; any contributions will be based on the salary that would have been earned during this period; if the employee pays contributions for this period, the company will also pay its contributions to the pension scheme.
- 19.7. Staff should contact the Pensions Office for further information.

20. Fixed term contracts

- 20.1. Employees on fixed-term contracts are covered by this policy and associated provisions until the contract expires.
- 20.2. If the employment comes to an end while the employee is still entitled to some ShPP, then any remaining weeks will usually remain payable unless the individual starts working for someone else.
- 20.3. Employees 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 either:
- i. Been notified that their contract is to be renewed/extended; or
 - ii. Refused an offer of suitable alternative employment.
- 20.4. Where the fixed term contract is due to end by reason of redundancy during shared parental leave an employee will be offered a suitable alternative post where such a post becomes available.

21. Effect on Probation periods

- 21.1. There may be occasions when the probationary period is interrupted, and in such circumstances it should be made clear (and confirmed in writing) to the individual whether probation is continuing or is being suspended.
- 21.2. If it is the latter (21.1) an indication of the period it is suspended should be given.

22. Overpayments

- 22.1. If the University makes an overpayment of Statutory or Occupational Shared Parental Pay, the amount of any such overpayment will be deducted from the employee's salary

(which may include holiday pay, sick pay, bonus, honoraria, one-off payments, market supplements and pay in lieu of notice).

23. 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>

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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 employees.

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 employees 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 employees:

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	at work	at work	Weeks 30- 39 (10 weeks) ShPP	Weeks 40 – 52 (13 weeks) unpaid
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:

He or she 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
Partner works elsewhere		Weeks 17 – 32 (16 weeks) ShPP	at work	at work	at work