



Shared Parental Leave

Shared Parental Leave has been designed to provide greater flexibility and to allow both parents to share in the care of a new-born or a child newly placed for adoption during the child's first 12 months. This flexibility means that both parents can be off at the same time, or alternate their leave allowing either parent to return to work for periods in between 'blocks' of leave. It is even possible for just one parent to use the SPL, provided both parents are eligible, in order to take advantage of the greater flexibility it offers.

Employees of Bath Spa University who meet the eligibility criteria detailed below may apply for Shared Parental Leave (SPL) and, in some cases, Shared Parental Pay (ShPP). In order to qualify for SPL and where applicable ShPP, the employee or their partner must first end their maternity or adoption leave early. Any remaining untaken entitlement up to 50 weeks leave and pay up to 37 weeks can then be taken as SPL and ShPP respectively.

This policy describes the procedure that employees and line managers will need to follow when making or receiving an application for Shared Parental Leave with or without pay.

You will not be subjected to a detriment for taking or seeking to take shared parental leave in accordance with this policy.

Scope of policy

The Policy applies to all employees, across all grades and groups including academic and professional services, fixed term and part time hourly paid lecturers, part time and full time, permanent and temporary. It can also apply to those temporarily associated with the University (e.g., wardens, Students Union if appropriate). It does not apply to agency workers, consultants or self-employed contractors.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Responsibilities

Employee

- Ensure they are eligible to apply for SPL, and ShPP where applicable, under

this policy

- Comply with the Shared Parental Leave and Pay Policy and procedure when making an application under this policy
- Complete and submit an application for Shared Parental Leave, with or without pay, using the Shared Parental Leave and Pay Application form, and provide as much detail as possible
- Cooperate with the line manager throughout the process and provide additional information if requested

Manager

- Understand the Shared Parental Leave and Pay Policy, and related procedures, attending training as required
- Ensure employees are aware of the Shared Parental Leave and Pay Policy and procedures, and associated policies and procedures e.g. the Maternity Policy, Paternity Leave and Pay Policy, Adoptive Leave and Pay Policy
- Receive, record, consider and respond to any requests received in a timely manner and accordance with this policy
- Treat employees fairly, consistently and in a reasonable manner
- Notify the employee, Human Resources and any relevant interested parties (e.g. colleagues, internal or external customers) promptly and as appropriate, of the decision and outcome of any Shared Parental Leave Application made under this policy

Human Resources

- To provide training, coaching, advice, guidance and support as necessary
- Monitor requests and provide additional information as appropriate
- Ensure the policy, and related procedures, are regularly reviewed, kept up to date and legally compliant
- Process any requests for Shared Parental Leave and Pay made under this policy and ensure personal records are up to date

Qualifying for shared parental leave and pay

In order to qualify for SPL and ShPP both the employee and their “partner” will need to meet a number of eligibility criteria. For the purposes of this policy the “partner” must share responsibility for the care of the child and can be:

- The child's father and/or,
- The employee's husband, wife or civil partner, or,
- A partner (including same sex partner) with whom the mother and child are living (co-habiting) in an enduring relationship, excluding a parent, a grandparent, sibling, aunt etc.

Eligible employees can only share parental leave and pay, where appropriate, with one other person.

Eligibility criteria for shared parental leave

An employee wishing to apply for SPL under this scheme must:

- Have been continuously employed by Bath Spa University for at least 26 weeks by the end of the 15th week before the due date (or placement date for adoption)
- Still be an employee while taking SPL
- Give the correct notice including a declaration that their partner meets the necessary employment and income requirements*

* The employee will be required to provide a declaration from their partner that they have worked for 26 weeks in the 66 weeks leading up to the due date and, have earned above the maternity allowance threshold of £30 per week in 13 of those 66 weeks.

In addition the child's mother (or adoptive parent) must be eligible for one of the following:

- Maternity leave or pay
- Adoption leave or pay
- Maternity Allowance

Assuming the employee meets all of the above criteria and they or their partner end their maternity or adoption leave early then they will be able to apply for up to 50 weeks of SPL.

The employee will need to ensure that they meet all of the above criteria before making an application for SPL. Any application received from an employee who does not meet all of the necessary (statutory) requirements will be refused.

In rare cases intended parents in surrogacy cases who qualify for a Parental Order and

who meet the eligibility criteria above may qualify for SPL and ShPP. The employee should contact their HR Business Partner for further information if they believe this may apply.

Shared parental leave entitlement

Eligible employees will have the right to take their SPL in up to 3 separate 'blocks' or periods of leave. The employee must give at least 8 weeks' notice for each period of leave they intend to take. There is no requirement to use all three periods of leave and employees may take their leave as a single continuous period if that is their preference. Requests can be made using the Shared Parental Leave and Pay application form.

The University will not turn down a request for a block of leave where an eligible employee has given the correct notice. Requests to split a single block of leave into shorter periods (discontinuous leave) will be considered on a case by case basis and are subject to the needs of the business. If a request for discontinuous leave is refused the request may be withdrawn subject to the provisions described below (section 13). In all cases SPL must be completed by the baby's first birthday or within one year of adoption whichever applies.

Eligibility criteria for shared parental pay (ShPP)

In order to apply for ShPP an employee must either:

- Qualify for Statutory Maternity Pay (SMP) or Statutory Adoption Pay (SAP) or,
- Qualify for Statutory Paternity Pay (SPP) and have a partner who qualifies for SMP or SAP.

In addition there must be a balance, up to 37 weeks, of remaining SMP or SAP to be taken as ShPP. In some cases the University may be within its rights to refuse an application for ShPP, for example if the employee and/or their "partner" is not eligible. In these circumstances the employee will be given a reason for the refusal.

ShPP is paid at the appropriate statutory rate. Further information about current rates of ShPP is available on the [GOV.UK](https://www.gov.uk) website here.

Applying for shared parental leave and pay

All of the entitlements detailed below are exclusive of the compulsory 2 weeks maternity leave detailed in the [Maternity Policy](#) that the mother must take after the birth of the child.

Before SPL can start, the mother or adoptive parent must do one of the following:

- Return to work and end their maternity or adoption leave
- Give 'binding notice' to the University of the date they intend to end their maternity or adoption leave (see paragraph 8.4 and Section 13 of this policy)
- End their maternity (or adoption) pay or Maternity Allowance

When ending SMP or SAP the mother, or adoptive parent, must give at least 8 weeks' notice to her employer to end her maternity leave and pay, or adoption pay, or to the Jobcentre Plus to end her Maternity Allowance.

The partner can begin SPL while the mother or adoptive parent is still on maternity or adoption leave if she's given binding notice to end her leave (or pay if she's not entitled to leave). Notice becomes 'binding' when it is accompanied by a notice to commence SPL. Binding notice cannot normally be changed or withdrawn other than as described below in the section *Withdrawing, Changing or Cancelling a Period of Leave*.

To apply for SPL the employee will need to complete the application for Shared Parental Leave and Pay. When completing the form they will be asked to provide the following information:

- Confirmation that they are entitled to SPL or SPL and ShPP and that they are sharing childcare responsibility with their partner
- Their partner's name
- Maternity/adoption leave start and end dates
- The total amount of SPL and ShPP available and how much they and their partner intend to take.

The employee will also be required to provide a signed declaration from their partner giving:

- Their partner's name, address and National Insurance number
- Confirmation that they meet the necessary employment and income requirements for the employee to be able to take SPL and ShPP
- That they agree to the employee taking SPL and ShPP

When making an application the employee must give the University at least 8 weeks' notice of the date they intend to start their leave. In the event that the baby arrives more than 8 weeks' early a shorter notice period will normally be granted.

Once the University has received notice of the employee's intention to take SPL, HR will write to the employee to confirm the arrangements for their leave and, where appropriate, pay. In addition and within 14 days of the application the employee may be asked to provide:

- A copy of the child's birth, adoption or maternity certificate
- The name and address of their partner's employer

If requested the employee will have 14 days to provide the additional information.

Terms and conditions during shared parental leave

During the period of SPL, the employee's contract of employment continues in force and they are entitled to receive all their contractual benefits, except for salary. In particular, any benefits in kind (such as laptop, mobile phone and/or tablet) will continue and contractual annual leave entitlement will continue to accrue.

Pension contributions will continue to be made during any period when the employee is receiving ShPP but not during any period of unpaid SPL. Employee contributions will be based on actual pay, while the University's contributions will be based on the salary that the employee would have received had they not been taking SPL.

SPL is granted in addition to an employee's normal annual leave entitlement. Employees are reminded that holiday should wherever possible be taken in the year that it is earned. Where an SPL period overlaps two leave years the employee should consider how their annual leave entitlement can be used to ensure that it is not untaken at the end of the employee's holiday year.

Employees on Shared Parental Leave are entitled to be made aware of job vacancies at the University. The University recruitment web pages are updated daily and, unless otherwise notified, it is assumed that employees will check vacancies regularly.

If an employee decides not to return to work following shared parental leave, they should give written notice as per their contract before they are due to return to work. Unless otherwise agreed the leaving date will be the date on which the notice period ends, or in circumstances where notice is not given, the date on which the resignation is received by the University. The employee must notify the University immediately of any circumstance(s) which will result in the statutory obligation to pay ShPP transferring or ceasing (e.g. starting work for another employer, travelling abroad outside the EU).

Contact during shared parental leave

Before an employee's SPL begins, the University will discuss the arrangements for them to keep in touch during their leave. The University reserves the right in any event to maintain reasonable contact with the employee from time to time during their SPL. This may be to discuss the employee's plans to return to work, to ensure the individual is aware of any possible promotion opportunities, to discuss any special arrangements to be made or training to be given to ease their return to work or simply to update them on developments at work during their absence.

Shared Parental Leave in Touch (SPLIT) days

An employee can agree with the University to work up to 20 days during SPL without bringing it to an end. These are called 'shared parental leave in touch' (or SPLIT) days. Each full or part day worked will count as one of the SPLIT days although the employee will only be paid for the actual hours they have worked. For the purposes of this provision, attendance will be paid at the employee's normal hourly rate of pay (attendance rate for part time hourly paid lecturing staff). Claims for SPLIT days should be approved by the line manager and submitted to HR after the employee has attended work completed. Claims for SPLIT days will normally be processed through the payroll the month after they have been received.

The reasons for undertaking work during SPL will vary and may include maintaining knowledge and skill levels and staying informed. SPLIT days may also include working, training, meetings or any other activity that assists the employee in keeping up to date with the workplace. Any days' work undertaken will not extend the SPL period.

There is no obligation for either the University or the employee to make use of the 20 SPLIT days.

Please note that these days are in addition to the 10 'keeping in touch' (or KIT) days already available to employees on maternity or adoption leave.

Returning to work after shared parental leave

The employee will have been formally advised in writing by the University of the end date of any period of SPL. The employee is expected to return on the next working day after this date, unless they notify the University otherwise. If they are unable to attend work due to sickness or injury, the University's normal arrangements for sickness absence will

apply. In any other case, late return without prior authorisation will be treated as unauthorised absence.

If the employee wishes to return to work earlier than the expected return date, they may provide written notice to vary the leave and must give the University at least eight weeks' notice of their date of early return. This will count as one of the employee's notifications. If they have already used their three notifications to book and/or vary leave then the University does not have to accept the notice to return early but may do if it is considered to be reasonably practicable to do so.

On returning to work after SPL, the employee is entitled to return to the same job if the employee's aggregate total statutory maternity/paternity/adoption leave and SPL amounts to 26 weeks or less, the employee will return to the same job. The same job is the one they occupied immediately before commencing maternity/paternity/adoption leave and the most recent period of SPL, on the same terms and conditions of employment as if they had not been absent.

Annual Leave does accrue whilst the employee is on SPL. Any leave that is accumulated must be taken at the end of the SPL period wherever possible i.e. before returning to work.

If their maternity/paternity/adoption leave and SPL amounts to 26 weeks or more in aggregate, the employee is entitled to return to the same job they held before commencing the last period of leave or, if this is not reasonably practicable, to another job which is both suitable and appropriate and on terms and conditions no less favourable.

An employee wishing to consider a change to their working pattern on their return from shared parental leave should refer to the Flexible Working Policy for further information and guidance.

Withdrawing, changing, or cancelling a period of leave

The University would encourage the employee to discuss their plans informally with their line manager as early as possible. This will help both the employee and the line manager with planning and provide an opportunity to discuss the different options that may be available to the employee in addition to or as an alternative to SPL, e.g. maternity, paternity and adoption leave. Accepting that circumstances will sometimes change it is hoped that discussing this early will reduce the need to withdraw or change a request.

The employee should contact their line manager, or HR in cases of sensitivity, as soon as possible if they wish to withdraw, change or cancel a period of leave. Requests to withdraw, change or cancel a period of SPL will be acknowledged and processed accordingly, if necessary following discussion with the employee, their line manager and HR.

If the employee wishes to withdraw, change or cancel a period of leave they may do so in the following circumstances and with sufficient notice where applicable.

The employee is permitted to change or cancel an agreed and booked period of SPL, provided that they advise the University in writing at least eight weeks before the date of any variation. Any new start date cannot be sooner than eight weeks from the date of the variation request.

Any change 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/change leave by one. However, a change as a result of a child being born early, or as a result of the University requesting it 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 University.

A request for SPL may be withdrawn on or before the 15th day after the request was originally made and it will not count against one of the three requests. If the request is withdrawn after or because it has been refused, e.g. an employee's request for a period of discontinuous leave cannot be agreed, the employee may request an alternative period of leave. This is subject to meeting the required notice periods given in this policy, normally 8 weeks.

The mother or adoptive parent may be able to change their decision to end maternity or adoption leave early if both:

- The planned end date hasn't passed
- They haven't already returned to work

In such cases one of the following must also apply:

- It's discovered during the 8-week notice period that neither partner is eligible for either SPL or ShPP
- The employee's partner has passed away

- It's less than 6 weeks after the birth (and the mother gave notice before the birth)

Abuse of this policy where an employee takes a period of shared parental leave under this policy for purposes other than spending time or otherwise caring for their child, this will be dealt with as a disciplinary issue.

