



## Shared Parental Leave Policy

The University is fully committed to helping working parents balance the needs of work and family life, and appreciates the importance of providing greater choice for parents in how they arrange parental care during the first year of a child's life or following their adoption.

Shared Parental Leave (SPL) is aimed at giving parents flexibility over how they share childcare during the first year of the child's life/placement.

This provision applies to children:

- whose expected week of childbirth begins on or after 5 April 2015 including those born through a surrogacy arrangement, subject to additional eligibility requirements relating to the granting of a Parental Order
- who are matched with a person who is notified of having been matched on or after 5 April 2015
- who are placed for adoption on or after 5 April 2015

This policy does not apply to those expecting a child through surrogacy arrangement, and further guidance should be sought from Human Resources.

**Scope:** All eligible employees, regardless of gender or the gender of an employee's partner

### Key principles:

1. All eligible staff are entitled to share up to a maximum of 50 weeks shared parental leave, combining both paid and unpaid leave, regardless of the number of hours they work.
2. Each parent has to qualify separately to be able to apply for Shared Parental Leave.
3. Shared Parental Leave can be taken by the partner, while the mother is still on maternity/adoption leave but only if the mother reduces their entitlement to maternity/adoption leave.
4. The University's shared parental leave pay provision, which is an enhanced provision and incorporates the statutory entitlement where applicable, is available to staff who meet specific eligibility criteria. Where the criteria is not met an individual may alternatively be able to meet the Statutory Shared Parental Pay (ShPP) eligibility criteria.
5. All contractual benefits with the exception of pay will continue to accrue during the whole period of shared parental leave.



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6. Keeping in touch days are available to support continued communication during the absence.
7. Annual leave can be used flexibly outside of the absence; subject to departmental agreement/business needs to support effective planning.
8. Where parents are intending to combine maternity/adoption leave with shared parental leave this policy should be read in conjunction with the Maternity Policy and Adoption Policy.

**How the University supports this policy:**

A shared parental leave toolkit has been designed to guide both staff and managers through the shared parental leave process by providing a concise overview of what to expect and consider before, during and after shared parental leave.

In addition to the above, there are also a number of family friendly policies aimed at supporting staff achieve work/life balance and meet demands faced when caring for dependents e.g. flexible working, parental leave, the ability to purchase additional leave, Parents@TUoS Network, and Women Academic Returners Programme.

[www.sheffield.ac.uk/hr/guidance/family/index](http://www.sheffield.ac.uk/hr/guidance/family/index)

**What to do next:**

Full details explaining the provisions available in relation to shared parental leave, eligibility requirements and notification processes are detailed within the shared parental leave procedure.

A notification form can be downloaded from the shared parental leave toolkit.

**Document control**

Last updated: 08/17

Date of next review: 08/18



## Shared Parental Leave Procedure

### 1. Introduction

Reference to a 'parent' throughout this procedure is defined as a person, who is either the:

- a) Mother (the woman who gives birth to a child or the adopter (the adopter means the person who is eligible for adoption leave and/or pay. They can be male or female));
- b) Father (the child's biological father or the partner of the mother/adopter);
- c) Partner (whether of the same or different gender). This can be a spouse, civil partner; or a partner who is living in an enduring relationship with the mother and the child;
- d) They are the intended parent of a child expected by a surrogate.

Having read the information below, any queries should be raised with the staff members Human Resources Team contact or the Payroll Team.

### 2. Eligibility for leave

- 2.1 Following the curtailment of maternity/adoption leave, where the full entitlement to Statutory Maternity Leave or Statutory Adoption Leave has not been used before returning to work, the parents may be eligible to share up to 50 weeks Shared Parental Leave (SPL), subject to satisfying the eligibility and notification requirements detailed in section 4.
- 2.2 A birth mother must take at least two weeks maternity leave following the birth of a child but can otherwise choose to end their maternity leave at any stage. An adopter must also take a period of at least two weeks' leave after the first day of the statutory adoption, but can otherwise choose to end their entitlement at any stage.
- 2.3 The curtailment date cannot fall within the compulsory 2 week maternity leave period.
- 2.4 A curtailment notice (i.e. where the mother/adopter notifies the employer of the date they plan to cease their maternity/adoption leave and pay) can only be withdrawn if:
  - a) it has been issued pre-birth/pre-placement;
  - b) there is no entitlement to SPL (either parent);
  - c) the expectant mother/principle adopter's partner dies;
  - d) it is done so within 8 weeks of being given or within 6 weeks of the child's date of birth.
- 2.5 SPL may be taken as a continuous period of leave or as discontinuous periods of leave, in multiples of complete weeks.



- 2.6 SPL may be taken any time between the 1 and 52nd weeks after the child is born/placed for adoption. To end in all cases no later than the child's first birthday, or one year after the child was placed for adoption.
- 2.7 Only one period of SPL will be available irrespective of whether more than one child results from the pregnancy or is placed for adoption.

### **3. Eligibility for pay**

- 3.1 The different eligibility requirements and entitlements to shared parental leave pay are as shown in the below table. Members of staff can identify which option(s) they are eligible for by reference to this table. Further advice can also be gained from the Payroll Team or their Human Resources Team contact.
- 3.2 Those not planning to return to work following their period of shared parental leave, for a minimum period of 3 months, will not be eligible for the enhanced University Shared Parental Leave Scheme (Option A). However, subject to meeting the relevant criteria and notification requirements may be eligible for ShPP Only (Option B).
- 3.3 The number of weeks ShPP available will be dependent upon when the maternity/adoption leave is curtailed, and the amount of the remaining 39 week entitlement is available to share. Any enhanced University Shared Parental Leave Pay will only be paid in respect of the first 18 weeks SPL, and will not be payable in respect of any further periods of SPL.
- 3.4 Where the employee wishes to curtail the maternity leave the number of weeks remaining in the maternity leave will be eligible to transfer to the SPL.
- 3.5 Where the employee is entitled to full pay through the maternity pay policy, the amount of full pay entitlement remaining will be eligible to transfer to the ShPP.
- 3.6 Each parent has to qualify separately to be able to apply for SPL.



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Type of leave/ Scheme	Eligibility criteria/requirements	Up to 50 weeks	Entitlement/pay
<b>University Shared Parental Leave Scheme</b>	<p>a) At least 12 months continuous service with the University of Sheffield:</p> <p>3.6.1 By the expected week of childbirth (EWC), which means the week starting on a Sunday, during which the member of staff's doctor or midwife expects them to give birth <b>OR</b>;</p> <p>3.6.2 By the expected week of childbirth (EWC) of the baby, (which means the week starting on a Sunday) <b>OR</b>;</p> <p>3.6.3 Leading into the week in which the staff member is notified of being newly matched with a child for adoption by an approved agency.</p> <p>b) Provides a written undertaking to return to their post for a minimum of three months following the end of their final shared parental leave period (see paragraphs 15.8 + 16.2) via notification form.</p> <p>c) Provides written notice of their entitlement and intention to take the first 18 weeks of their leave as a continuous SPL period (see section 4).</p> <p>d) Has or expects to have, the main responsibility for the</p>	<b>Shared Parental Leave</b>	<p><b>Option A: University Scheme</b></p> <ul style="list-style-type: none"> <li>• 18 weeks at full pay (includes compulsory 2 week maternity/adoption leave period);</li> <li>• + 21 weeks at the appropriate rate of ShPP;</li> <li>• + up to 13 weeks unpaid;</li> <li>• Weeks which have been paid through the maternity leave policy will be deducted from remaining weeks available in the Shared Parental Leave entitlement.</li> </ul>



	<p>care of the child.</p> <p>e) Mother/Primary Adopter is entitled to statutory maternity/adoption leave/pay and has curtailed these rights or returned to work.</p> <p>f) Remains in continuous employment until the week before any period of ShPP taken by the employee.</p> <p>g) Member of staff's partner meets the eligibility criteria for the Statutory Shared Parental Leave Scheme (as detailed below in [a] and [b] and [d]).</p> <p>h) Has provided required evidence i.e. MATB1 form.</p>		
<b>Type of leave/ Scheme</b>	<b>Eligibility criteria/requirements</b>	<b>Maternity Leave</b> Up to 50 weeks	<b>Entitlement/pay</b>
<b>Statutory Shared Parental Leave Scheme</b>	<p>a) Satisfies the duration of employment test:</p> <ul style="list-style-type: none"> <li>Has been continuously employed for a period of not less than 26 weeks ending with the relevant week* and remains in continuous employment with that employer until the week before any period of shared parental leave taken by the employee <b>OR</b>;</li> <li>Has been engaged in employment as an employed or self-employed earner for any part of the week in</li> </ul>		<p><b>Option B: ShPP Only</b></p> <p>6 weeks at the equivalent of 90% of the member of staff's average weekly earnings;</p> <p>+</p> <p>A flat rate payment for a further 33 weeks,</p>



the case of at least 26 of the 66 weeks immediately preceding the expected week of childbirth/or in the case of adoption, the week in which the staff member was notified of having been matched with the child.

b) Satisfies the earnings test:

- Has average weekly earnings not less than the lower earnings limit for national insurance contribution purposes.

c) Provides written notice of their entitlement and intention to take leave (see section 4).

d) Has or expects to have the main responsibility for the care of the child (apart from any responsibility of the University staffmember).

e) The other parent also satisfies: (a), (b), (d) above, and in the case where the other parent is the mother/primary adopter they are entitled to statutory maternity/adoption leave and or pay/allowance, and has curtailed this or returned to work.

\* 15th week before the expected week of childbirth (EWC) or the week in which the staff member is notified of being newly matched with a child for adoption by an approved agency.

which is the lesser of:

- the standard rate of ShPP (paid at a rate set by the government for the relevant tax year, see [GOV.UK](http://GOV.UK) for current values) **OR**;
- 90% of the member of staff's average weekly earnings calculated over a period of eight weeks up to and including the qualifying week;

+

Up to 13 weeks unpaid:

- Weeks which have been paid through the maternity leave policy will be deducted from remaining weeks available in the Shared Parental Leave entitlement.



- 3.7 Payments in relation to Options A and B will be made via the University payroll and will be subject to tax, national insurance and pension contributions (if the employee is a member of the pension scheme).
- 3.8 Payment of ShPP is an integral part of any shared parental leave payment made by the University and no combination of payments can exceed the normal full pay.
- 3.9 Where both parents are employed by the University, and meet the eligibility criteria for SPL/ShPP, the entitlement to any enhanced University Shared Parental Leave pay will be shared between them.

#### **4. Types of Shared Parental Leave**

##### **Continuous leave**

- 4.1 A continuous leave notification **must** be accepted.
- 4.2 Continuous leave will be paid at the rate for the corresponding week in the maternity leave policy. For example, where a parent is eligible for full pay for the first 10 weeks of maternity leave, the partner would be eligible to receive full pay for the remaining 8 weeks of the Shared Parental Leave.

##### **Discontinuous leave**

- 4.3 The staff member may request to take discontinuous periods of leave. Requests for discontinuous periods of leave will be considered on a case by case basis by the staff member's line manager taking into considering the business needs of the section/department.
- 4.4 Requests for discontinuous leave will be considered by the staff members Line Manager within 2 weeks of the request being submitted.
- 4.5 For discontinuous periods of leave, the University may:
  - a) Consent to the periods requested;
  - b) Propose alternative dates for leave requested;
  - c) Decline requests.
- 4.6 If the periods of discontinuous leave are declined the staff member may either:
  - a) Withdraw the notice;
  - b) Elect to take the amount of leave requested in the notice as one continuous period of SPL, starting no earlier than 8 weeks from the date of the notice.



- 4.7 The notification of the outcome will be confirmed to the staff member within 5 days following this 2 week consideration/discussion period.
- 4.8 The staff member may take a period of leave concurrently with their partner, with each period being deducted from the 39 week entitlement.
- 4.9 Discontinuous leave will be paid at the rate for the corresponding week in the maternity/adoption leave policy. For example, where a parent is eligible for full pay for the first 10 weeks of maternity leave, the partner would be eligible to receive full pay for the remaining 8 weeks of the Shared Parental Leave. Where the partner requests discontinuous leave in the period where the mother/adopter would be paid at the rate for statutory maternity/adoption leave (after 18 weeks) the partner would be paid the statutory parental leave.

## **5. Notification for Shared Parental Leave**

- 5.1 It is important that the member of staff notifies their manager as soon as possible in relation to their plans to take SPL, so that the manager can begin planning for the anticipated absence.
- 5.2 Formal written notice should be provided to their manager, at least 8 weeks before the start date chosen for the first period of SPL, via the completion of the SPL notification form (attaching a MATB1 certificate), including gaining their managers signature, before forwarding to the Payroll Team,
- 5.3 Following receipt of the fully completed notification form a letter will then be sent from the Payroll Team to acknowledge the notification and confirm the SPL arrangements as appropriate.
- 5.4 The University may request evidence from the staff member as to the pregnancy, birth or placement of the child SPL/Pay is being claimed for. The University also reserves the right to check with relevant other employers of the mother/father/partner/adopter as to entitlement/usage of SPL/Pay.

## **6. Accrual and use of annual leave**

- 6.1 Contractual annual leave (including bank holidays/closure days) will be accrued during the whole period of shared parental leave. (Guidance in relation to calculating public holidays for part time staff is available at: [www.sheffield.ac.uk/hr/guidance/leave/ptleave](http://www.sheffield.ac.uk/hr/guidance/leave/ptleave)).
- 6.2 The member of staff will be responsible in conjunction with their manager, for planning and arranging their annual leave around their shared parental leave period. Annual



leave can be taken at any time (outside of the shared parental leave period), including being tagged onto the beginning or end of a shared parental leave period, subject to the agreement of their manager.

- 6.3 Annual leave cannot be taken during a continuous period of SPL.
- 6.4 Staff are expected to take their annual leave in the leave year it is accrued, as in most cases there is sufficient notice to plan for this type of leave. However, the ability to carry over accrued annual leave into the following leave year may be feasible subject to departmental approval/business need. Such requests should be raised with their manager as soon as practicably possible to support the department's consideration of this request, and if relevant plan their ability to accommodate this.
- 6.5 Where a member of staff leaves the University, and has taken more annual leave than they would have accrued prior to their end date, the University has the right to recover any overpayments, e.g. via deductions made from the staff member's salary, as appropriate.
- 6.6 Staff transferring to part time work on their return, should take their outstanding full-time annual leave allowance prior to returning to work/subject to the needs of their department.

## **7. Antenatal care**

- 7.1 Fathers and partners are eligible for time off to attend 2 ante-natal appointments.
- 7.2 The member of staff should endeavour to give their manager as much notice as possible of antenatal appointments and try to arrange them as near to the start or end of the working day as possible.

## **8. Starting shared parental leave**

- 8.1 The staff member may choose when to start their shared parental leave, subject to the following constraints:
  - a) Notice of Curtailment of Maternity/Adoption Leave.
  - b) The shared parental leave period cannot start before the end of the compulsory 2 week maternity leave period.
  - c) At least 8 weeks notice has been provided before the commencement of SPL.
- 8.2 The staff member may give written notice to their manager and the Payroll Team to vary the period of leave:



- a) To vary the start or end date, 8 weeks written notice must be provided before the date varied and the new start date.
- b) To vary the leave from a single period to a discontinuous period (or vice versa), 8 weeks written notice must be provided before the date varied and the new start date. Guidance on the implications of discontinuous leave for pay can be found in section 4.
- c) To vary (including cancel) the amount of leave requested, 8 weeks written notice must be provided before the leave period is due to commence.

## **9. Variation to the leave periods**

- 9.1 Staff are permitted up to 3 variation notices, these being the original notice and a further 2 variations.
- 9.2 Notices which are withdrawn or varied as a result of the child being born or placed earlier or later than expected, will be disregarded.
- 9.3 To vary a period of SPL, at least eight weeks' notice must be provided, (effective from either the original start/end date, or the new date, whichever falls first), to:
  - a) change the date of a period of SPL,
  - b) cancel or withdraw notification,
  - c) change the leave request from a single period of leave to a discontinuous period (or vice versa) or,
  - d) vary the amount of leave requested.
- 9.4 If insufficient notice is provided the University does not have to accept the notice if it cannot reasonably accommodate the requested changes, the University may require the staff member to start the next period of SPL on its expected start date, ending no later than the end date on which this period of SPL was due to end or 8 weeks after the University is informed of the change in circumstances, whichever is the earlier.
- 9.5 The Payroll Team will acknowledge a requested change(s), confirming the dates of the leave and pay/withdrawal.

## **10. Contact during leave**

- 10.1 The staff member and their manager are encouraged to maintain reasonable contact during the shared parental leave period. Shortly before a member of staff's shared parental leave starts, the manager will discuss the arrangements for them to keep in touch during their leave, including the type, frequency and method of contact. This should also include a discussion about keeping in touch days.



- 10.2 The University has the right to maintain reasonable contact with the member of staff from time to time during their shared parental leave. This for example may be to discuss: the member of staff's plans for return to work; any special arrangements to be made or training to be given to ease their return to work or simply to provide an update on developments at work during the absence.

## **11. Keeping in touch days**

- 11.1 Staff utilising shared parental leave can agree to work for the University (or to attend training) for up to 20 keeping in touch days during their shared parental leave period, without that work bringing the period of their shared parental leave to an end and without loss of statutory shared parental leave pay. These are known as Shared Parental Leave in Touch (SPLIT) days.
- 11.2 SPLIT days are in addition to the 10 keeping-in-touch (KIT) days available to parents during maternity leave or adoption leave.
- 11.3 The type of work to be undertaken should be agreed between the member of staff and their manager (see toolkit for further information).
- 11.4 Any work carried out on a day shall constitute a day's work for these purposes.
- 11.5 The University does not have the right to require a member of staff to carry out any work, and the member of staff has no right to undertake any work, during their shared parental leave.
- 11.6 For any work undertaken, the member of staff will normally receive time off in lieu, or exceptionally, payment for the work undertaken. This should be agreed in advance of the SPLIT day being undertaken.
- 11.7 Any SPLIT days worked do not extend the period of shared parental leave. Once the SPLIT days have been used up, the member of staff will lose a week's ShPP for any week in which they agree to work for the University.

## **12. Contractual entitlements**

- 12.1 During the whole period of shared parental leave the staff member is entitled to receive all their contractual benefits with the exception of terms relating to salary. For additional information please see: [www.sheffield.ac.uk/hr/thedeal](http://www.sheffield.ac.uk/hr/thedeal), and the FAQs within the toolkit.



### **13. Continuity of service**

- 13.1 Where a member of staff returns to work following shared parental leave, the period of absence due to shared parental leave will not affect the individual's recognised continuous service for employment rights purposes e.g. redundancy, pensions etc.

### **14. Ill-Health**

- 14.1 If a member of staff is unable to return to their post at the end of their shared parental leave due to ill-health this will be managed in accordance with the University's Sickness Absence Management Policy. A medical certificate will be required for absence immediately following on from the date of the end of the shared parental leave (or the end of any individual block of discontinuous leave) even if this subsequent absence is for 7 days or less.

### **15. Pension**

- 15.1 During periods of shared parental leave at full pay the contribution arrangement will remain as normal.
- 15.2 During periods of statutory shared parental pay (ShPP), pension contributions will be deducted as a percentage of the actual salary payment received (including ShPP where applicable). However, pensionable benefits will be based on the pay the employee would have received had they not been on shared parental leave (notional pay). If a period of ShPP continues beyond the end of the staff member's contractual relationship with the University all pension contributions will cease on the contractual end date.
- 15.3 During periods of unpaid shared parental leave a staff member's membership of their pension scheme will be suspended and pensionable service will not be earned. If a staff member wishes to continue with pension contributions over this period, they would have to cover the cost of both the staff member's and the employer's contribution.
- 15.4 Members of staff are advised to contact the Pensions Team ([pensions@shef.ac.uk](mailto:pensions@shef.ac.uk)) to discuss their pension position

### **16. Health & Safety**

- 16.1 The University acknowledges the importance of protecting from avoidable risks, pregnant or breastfeeding members of staff, as well as the unborn child.



- 16.2 As such, when a staff member informs their manager that they are pregnant or breastfeeding, the manager (or nominee) will assess any risks and take appropriate action to resolve any identified (see Risk Assessments within the Toolkit). This should be done with input from the individual staff member, who should also pass on any relevant information received from their doctor or midwife that could impact on the assessment.
- 16.3 In the event of a member of staff being employed on work which could involve a risk to the health and safety of a breastfeeding or expectant mother, or to that of the unborn baby, arrangements will be made to protect both the mother and the child, having regard to statutory health and safety provisions that may at the time apply.
- 16.4 Members of staff working within a potential risk environment, for example a laboratory, heavy manual work, lone working etc., are advised to notify their Departmental Safety Officer of their pregnancy as soon as their condition has been confirmed.
- 16.5 The risk assessment should be monitored and reviewed on a regular basis. If an individual thinks they have been exposed to a risk at work, they should discuss this with their manager, in order that the risk assessment can be reviewed.

## **17. Returning to work after shared parental leave**

- 17.1 A member of staff will return to work following the end of their shared parental leave period. However, where a period of annual leave has been agreed between the member of staff and their department, that is due to commence immediately following the end of the shared parental leave period, a physical return to work is not required until the end of the approved annual leave period.
- 17.2 If the member of staff wishes to return to work and end their shared parental leave earlier than the expected end date, they must give the University at least 8 weeks' notice of their revised shared parental leave end date, in writing to the Payroll Team. Failure to provide such notice would entitle the University to postpone the return date to secure 8 weeks' notice, provided that this is not later than the previous expected end of shared parental leave and is no later than the end of the 50 weeks' shared parental leave.
- 17.3 It is imperative if the date of return changes that the staff member notifies both the Payroll Team and their manager, as soon as possible to ensure that the correct salary payments are made and an effective return to work can be planned.
- 17.4 Staff choosing to return to work at the end of the SPL have the right to return to the same job they occupied before their shared parental leave began, on the same terms and conditions of employment as if they had not been absent. However, where it is not reasonably practicable for the University to allow a return to the same job, the



University may offer the member of staff suitable alternative work, on terms and conditions that are no less favourable than would have applied if she/he had not been absent.

- 17.5 The member of staff should confirm to their manager as soon as convenient during the leave the actual end date of shared parental leave (and return to work date if different due to the use of annual leave at the end of this period). The manager should confirm these dates with the Payroll Team.
- 17.6 Nothing within this policy/procedure shall prejudice the right of the University to reclaim the whole or part of the non-statutory element of SPL pay, if having opted for the enhanced university scheme, the member of staff leaves within 3 months of the return (or fails to return) to work after their last period of shared parental leave (except as defined in paragraph 16.2).

## **18. Members of staff not returning to work**

- 18.1 If a member of staff decides not to return to work after SPL, they must give notice of resignation as soon as possible and in accordance with their terms and conditions (see paragraph 15.8 above). If the notice period would expire after SPL has ended, the University may require the member of staff to return to work for the remainder of the notice period.
- 18.2 Staff on fixed-term contracts, in receipt of the enhanced university SPL scheme provisions, will be expected to return to work for 3 months or to the end of their contract, whichever date is sooner. If the staff member's contract is due to expire during the period of SPL, and no new contract is available, no undertaking to return will be required. Those in receipt of the University SPL Scheme options will continue to receive any associated ShPP entitlements as applicable until the expiry of the fixed term contract. Statutory ShPP will continue to be paid until the end of the statutory SPL paid period, as long as they continue to meet the statutory eligibility criteria.
- 18.3 Where this does not take place the University reserves the right to reclaim the difference between the enhanced payments and the statutory leave pay entitlements made relating to the shared parental leave period.

## **19. Flexible working arrangements**

- 19.1 Full consideration will be given to requests from members of staff who wish to change their working commitment and/or arrangements upon returning from shared parental leave. Staff members should submit requests as far in advance of the return date as reasonably practicable, to allow adequate time for the request to be fully considered and where appropriate, the necessary departmental arrangements to be put in place.



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## **20. Other provisions**

- 20.1 In the event of the death of either the mother/primary adopter or partner/father, appropriate continuing entitlement will need to be determined.
- 20.2 Where it is identified that a staff member has provided false information or a false declaration e.g. regarding their own or their partner's eligibility, the leave taken by their partner etc., this will be classed as gross misconduct and will be addressed under the disciplinary procedure. Where fraudulent activity is found the University reserves the right to reclaim any payments received from the University or state that the staff member was not entitled to (as well as advise the state accordingly).
- 20.3 This policy was implemented following approval by the Human Resources Committee on 12 March 2015 and will be reviewed on a regular basis to ensure compliance with relevant legislation.

### **Document control**

Last updated: 08/17

Date of next review: 08/18