



Scope

The Shared Parental Leave (SPL) and Shared Parental Pay (ShPP) arrangements detailed below apply to eligible parents who are expecting a baby due on or after 5 April 2015, and to parents who have a child placed with them for adoption on or after that date.

1 Introduction

Shared Parental Leave (SPL) regulations came into force on 1 December 2014 applying to eligible parents (mother, father, adopter, partner, civil partner) of babies, due, or children placed for adoption, on or after 5 April 2015. The legislation provides both parents with the opportunity to consider the best arrangements to care for their child during the child's first year and incorporates Shared Parental Pay (ShPP) arrangements.

1.1 University commitment

The University of Nottingham is committed to the promotion of equality of opportunity and choice for all employees. This policy is part of our wider family friendly policies in supporting working parents to balance work and family commitments.

1.2 Equality and diversity statement

The University values the diversity of its people and is committed to promoting equal opportunities and eliminating discrimination. Therefore, staff and managers will apply and operate this guidance fairly and in doing so ensure that there is no discrimination on the grounds of age, disability, gender, gender reassignment, marital status, pregnancy and maternity, race, religious or political belief, sex, sexual orientation or trade union membership/activity.

1.3 Legislation

The Regulations 2014 gives legal entitlement for eligible parents of babies due, or children placed for adoption, on or after 5 April 2015 flexibility in the way they choose to care for a child's first year of life.

Parents will remain entitled to take maternity, paternity and/or adoption leave. However, an eligible mother/adopter may now choose to reduce their maternity/adoption leave early and opt into SPL.

See Appendix 1 for example of taking Shared Parental Leave.

1.4 Related policies

The University of Nottingham also has a number of other relevant policies, which the employee may wish to refer to alongside the SPL policy. These include: Maternity Leave, Adoption Leave, Parental Support (including Parental Leave, which remains separate from the SPL policy), Job Share and Flexible Working.

2 SPL procedures and definitions

2.1 What is Shared Parental Leave (SPL)

SPL is designed to allow parents to take leave flexibly in the first year of a child's life.

Up to 50 weeks' leave and 37 weeks' pay can be shared between parents if the mother/adopter brings her/his maternity/adoption leave and pay to an end early.

The available Statutory Shared Parental Pay (SShPP) is calculated by deducting the number of week's maternity/adoption leave the mother/adopter has taken on her/his return to work or the leave curtailment date from 39.

The available SPL and pay can then be allocated between the parents as they agree. One parent can take the full amount of SPL and pay if the parents choose to allocate leave in this way.

SPL must be taken in a block of at least a week, commencing on the first day of an individual's normal working week, but does not have to be taken as a single period of leave and parents can elect to be on leave at the same time (either on maternity/adoption leave and SPL or both on SPL).

SPL and pay must be taken before the child's first birthday.

SPL is in addition to the right to paternity leave and parental leave. However, a parent who takes SPL in respect of a child before they have taken their statutory paternity leave entitlement will lose this entitlement.

There is no increase in SPL entitlement in the case of multiple births/matching; the rules apply in the usual way.

The right to SPL applies to employees who become parents (the child's mother and father, or the spouse or partner of the child's mother (if not the father), including a civil partner or same sex partner) who have main responsibility for the care of a child with the other parent/partner.

2.2 What is the eligibility criteria

A parent seeking to take SPL must have worked for the same employer for a continuous period of at least 26 weeks at the end of the 15th week before the week in which the child is due (or at the week in which an adopter was notified of having been matched with a child/children) and be still employed in the first week that SPL is to be taken.

The other parent must have worked for 26 weeks in the 66 weeks leading up to the due date and have earned above the current maternity leave threshold in 13 of the 66 weeks.

The criteria for the employment and earnings test means that the partner could be self-employed or no longer employed provided that the earnings threshold is met and/or continuous service of 26 weeks was met before the end of employment. As a non-employee, such a partner would not be able to take the SPL themselves, but the eligible partner would be able to take the leave, for example, a mother may prefer to opt for SPL rather than maternity leave because of being able to take the leave in a more flexible way i.e. in more than one block.

3 Calculation of entitlement

Eligible employees may be entitled to take up to 50 weeks SPL during the child's first year in their family. The number of weeks available is calculated using the mother/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave. If they reduce their maternity/adoption leave entitlement then they and/or their partner may opt-in to the SPL system and take any remaining weeks as SPL.

A mother/adopter may reduce their entitlement to maternity/adoption leave by returning to work before the full entitlement of 52 weeks has been taken, or they may give notice to curtail their leave at a specified future date.

If the mother/adopter is not entitled to maternity/adoption leave but is entitled to Statutory Maternity Pay (SMP), Statutory Adoption Pay (SAP) or Maternity Allowance (MA), they must reduce their entitlement to less than 39 weeks. If they do this, their partner may be entitled to up to 50 weeks of SPL.

This is calculated by deducting from 52 the number of weeks of SMP, SAP or MA taken by the mother/adopter.

SPL can commence as follows:

- The mother can take SPL after she has taken the legally required two weeks of maternity leave immediately following the birth of the child
- The adopter can take SPL after taking at least two weeks of adoption leave
- The father/partner/spouse can take SPL immediately following the birth/placement of the child, but may first choose to exhaust any paternity leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP)

Where the mother/adopter gives notice to curtail their maternity/adoption entitlement then the mother/adopter's partner can take leave whilst the mother/adopter is still using their maternity/adoption entitlements.

SPL will generally commence on the employee's chosen start date specified in their request for SPL or in any subsequent variation notice.

If the employee is eligible to receive it, ShPP may be paid for some, or all, of the SPL period.

SPL must end no later than one year after the birth/placement of the child. Any SPL not taken by the first birthday or first anniversary of placement for adoption is lost.

3.1 Continuous/discontinuous leave

All notices for a continuous period of leave, from eligible employees, will be accepted. All requests for discontinuous leave will be considered. The University may refuse the request for discontinuous leave and require the employee to withdraw the request or take the leave in a continuous block. Alternatively, the University can propose alternative dates. The employee can make three separate requests for leave provided that eight weeks' notice is given before each block of leave.

3.2 Notification requirements

Both parents need to notify their respective employers on how they intend to divide the period of SPL.

3.3 Curtailment

The notice given to end the maternity/adoption leave is usually binding unless it becomes apparent that neither parent is entitled to SPL or, the notice was given before the birth/placement and is revoked within 6 weeks of the birth/placement.

3.4 Notice of entitlement

The written notice of intention, which must be submitted at least 8 weeks before the leave is due to start must contain certain information, contained within the Notice of Entitlement forms. This must accompany the declaration forms signed by the partner of the employee.

3.5 Period of leave notice

Requests to vary a block of SPL (either the start or the end date) can be submitted as long as the request is submitted at least 8 weeks before the original start date or end date.

3.6 Supporting documentation

After receiving notification of the intention to take SPL, the University will, within 14 days, request a copy of the child's birth certificate or in the case of adoption, evidence confirming the name and address of the adoption agency and the dates of the matching and placing the child. The employee has a further 14 days to provide the information.

4 Eligibility for statutory shared parental pay

Shared Parental Pay mirrors the current maternity pay provision.

To qualify for Statutory Shared Parental Pay (SShPP) the employee, as well as having the appropriate continuity of service (employment by the employer for at least 26 weeks at the 15th week before the child's due/matching date and still an employee in the first week of SPL) must also have earned an average salary of the lower earnings limit or more for the 8 weeks prior to the 15th week before the child's due date or placement.

SShPP is paid for up to 37 weeks at the lesser of:

- Standard statutory rate of ShPP or
- 90% of average weekly earnings (if this is less than the standard rate)

If the employee's employment comes to an end during the period of entitlement of SShPP then any remaining weeks will usually be payable unless they start working for someone else.

5 Eligibility for enhanced shared parental pay

If an employee has a contract of employment, full-time or part-time, on terms and conditions in excess of the statutory, has a minimum of 52 weeks' continuous service with the University, up to and including the EWC/placement date and has given notice of their intention to return to work following SPL, the employee may be entitled to:

- 26 weeks' leave on full pay* (inclusive of any SShPP)
- 11 weeks' leave on SShPP at the appropriate rate
- Up to 13 weeks' unpaid leave

* Please note this increased provision of Enhanced University Adoption Pay came into effect from 1 October 2023.

Enhanced Shared Parental Pay for eligible employees will only be paid if the employee takes one block of leave.

In any event, no combination of payments should exceed full pay and enhanced ShPP is not payable in addition to enhanced maternity pay. All benefits are classed as earnings and are, therefore, subject to deductions for tax and National Insurance contributions.

6 SPLiT days

Each parent entitled to SPL or ShPP will have an individual entitlement to Shared Parental Leave in Touch (SPLiT) for up to 20 days, either continuously or odd days, without bringing to an end their SPL or ShPP. The SPLiT days are in addition to the 10 'Keeping in Touch' (KIT) days available during maternity/adoption leave.

The University has no right to require the employee to carry out any work and is under no obligation to offer the employee any work, during the employee's SPL.

The type of work that an employee undertakes could be a training activity, attending team away days or meetings and is subject to agreement between the manager and the employee. If the parent does such work during agreed SPLiT days he/she should receive normal contractual pay for the hours worked. The University reserves the right to count the amount of any ShPP that may be received during a SPLiT day towards the normal contractual pay.

If the parent received payment for SPLiT day(s) whilst in receipt of any form of ShPP please be aware that the payment will be pensionable. Where the parent is in a period of no pay any payment for SPLiT days will not be pensionable.

7 Pension

During any period of ShPP, the University pension contribution will be calculated as though the employee was working normally and receiving their normal salary. Therefore, employee contributions continue throughout this period of paid SPL based on what is earned. There is no suspension of membership during this time, meaning all benefits where applicable, such as death in service and ill health retirement, continue based on the pensionable salary they would have been paid but for their absence.

It may be possible for employees (subject to the scheme rules allowing for this) to continue to make payments to the scheme during the unpaid period. Employees should indicate this on their Notice of Entitlement and Intention to take SPL form. The HR Employment Support Services Team will inform the University Pension Administrator, who will liaise directly with the employee regarding any options available. Where an employee elects to do this, the University will pay the missing normal employer contributions for this period. There is a limited time period for this option to be exercised and for the relevant payments to be made which should be discussed with the University Pensions Administrator.

Employees should contact the University Pensions Administrator to discuss the options available during any unpaid period of SPL to ensure that any implications for their pension membership and benefits are understood. Employees can also contact the relevant scheme helpline directly, details of which are available at:

<http://www.nottingham.ac.uk/fabs/finance/services/payrollandpensions/usefullinksandcontacts.aspx>.

8 Annual leave

You will accrue annual leave during your shared parental leave at the contractual rate, in addition to Bank Holidays and University closure days (pro-rata for part-time staff).

You are encouraged to consider using a proportion of your annual leave entitlement before the start and after the end of your shared-parental leave.

If the maternity/adoption/shared-parental leave period is likely to cross two annual leave years, and it is impractical to take all your leave in the current leave year (in line with the Annual Leave policy), you may carry over annual leave (and Bank Holidays/University closure days) accrued in the first leave year, but must use these days within three months following your return to work, except where an alternative timescale is agreed with your manager due to operational requirements.

Any annual leave accrued in the second leave year may be taken as normal.

Annual leave cannot be taken between the end of the paid shared-parental leave period and the beginning of any unpaid shared-parental leave period.

9 Contractual entitlements

Terms and conditions during SPL reflect those that apply during maternity leave ie continue in force except in relation to pay.

10 Contact during SPL

Before SPL begins, arrangements for keeping in touch during SPL should be discussed between the individual and the manager. 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.

11 Staff not returning to work

Staff who decide not to return to work during or following a period of SPL must give the University written notice in accordance with their contract of employment. If an employee leaves the employment of the University for any reason before the date (s)he has notified as the date (s)he wants SPL to start, (s)he loses the right to SPL.

The contract of employment continues throughout SPL, unless either:

- a) the University expressly ends it, in which case the employee is entitled to receive whatever period of notice the contract provides for if their employment is terminated
- b) the employee expressly ends it, by resigning
- c) it expires (eg ending of a fixed-term contract), in which case, (s)he is entitled to be given reasonable notice of the ending of the contract in accordance with the University policy on the ending of fixed term contracts. (S)he is also entitled to any other relevant contractual pay including statutory redundancy pay where applicable if (s)he is made redundant

In such cases, the right to return to the former job under the University's SPL Policy will have been overtaken by the expiry of the contract and will cease to be applicable. All payments under the University's SPL Policy will cease upon expiry of the contract. If, however, the employment is continued on an alternative contract, University SPL benefits will continue on the basis of that new contract. This paragraph is without prejudice to the individual's right to receive ShPP where applicable. In cases where a fixed-term contract has come to an end, or in a redundancy scenario, the University will not seek to recover payments made prior to the expiry of that contract under the University's SHL Policy.

12 Entitlement to sick pay

If an employee cannot return to work at the end of SPL because of illness, they should follow the normal sickness notification procedures; it shall be dealt with under the University's Sick Pay Scheme and will count against the normal entitlement to paid sick leave.

13 Failure to return to work after receiving enhanced University ShPP

Employees are advised that the University reserves the right to reclaim the non-statutory element of ShPP, if the member of staff fails to return to work and to continue in employment for at least three months following each total period of SPL eg the total SPL taken for a child.

Therefore, if an employee is unable to return to work after one period of SPL due to another pregnancy, but still intends to return to work after the subsequent pregnancy, for the employee to both continue to benefit from any enhanced pay and not repay the non-statutory element of ShPP they must agree to return to work for a longer period of time than three months ie three further months for each consecutive SPL period.

Employees will be required to give a signed undertaking to make the appropriate repayment to the University should they be unable to fulfil these requirements. Please note that this repayment requirement will apply to staff who opt to take a career break immediately following SPL. It will not apply to those who opt to take parental leave or carer's leave immediately following SPL, providing the employee returns to work for a three-month period following the parental or carer's leave.

14 Returning to work following SPL

When an employee returns to work following a period of SPL they are entitled to return to the same job if their combined leave period (comprising of maternity/paternity /adoption and shared parental leave) totalled 26 weeks or less. This is unaffected by unpaid parental leave of up to four weeks being taken as well.

In the case where the number of weeks of maternity/paternity/adoption and SPL exceeds 26 weeks in aggregate, or the total number of unpaid parental week exceeds four weeks, an employer must allow an employee to return to the same job unless it is not reasonably practicable, in which case they must offer a suitable and appropriate job on terms and conditions that are no less favourable.

15 Career Break

Where an employee becomes pregnant, has a child placed with them for adoption, or opts to take a period of Shared Parental Leave during a career break, the normal accrued Statutory Maternity, Adoption or Shared Parental Leave entitlements will apply. Where appropriate, the career break will be superseded by Maternity Leave, Adoption Leave or Shared Parental Leave, but the parental Leave will not extend the period of the Career Break, nor there be entitlement to Occupational Maternity, Adoption or Shared Parental Pay in these circumstances.

For further information, please see the [Career Break Policy](#).

16 Further information

The guidelines and procedure available on the web site provide more information on the steps employees and managers should take to put the policy into practice. Further guidance is also available from:

- HR Department (Employment Support Services Team), email: hr@nottingham.ac.uk
- Payroll Services team, email: payroll@nottingham.ac.uk

17 Fraudulent claims

Within the University's Disciplinary Procedure, any deliberate attempt to defraud the University, including abuse of official time or false claims for payment whether in the form of pay, expenses or any benefit derived under Conditions of Employment are likely to be regarded as gross misconduct and will be dealt with under the University's Disciplinary Procedure.