

Shared Parental Leave Procedure

Eligibility

Notification process

Responding to a request

Booking Shared Parental Leave

Variations to arrangements

Pay

Contractual benefits

Contact during leave

Returning to work

Leaving the University

Issued by: Human Resources (HR)

Issue Date: 1st December 2019

Version: 1.0

Review Date: January 2022

Introduction

This procedure sets out Kingston University's rules on Shared Parental Leave and Pay.

1. Shared Parental Leave (SPL)

- 1.1. SPL enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Appendix A provides a list of the key definitions.
- 1.2. 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's/adopter's entitlement to maternity/adoption leave, which allows them to take up to 52 weeks' leave.

2. Eligibility

- 2.1. SPL can only be used by the mother/adopter and one of the following:
 - The father of the child (in case of birth) or
 - The spouse, civil partner or partner of the child's mother/adopter.
- 2.2. Both parents must share the main responsibility for the care of the child at the time of the birth/placement.
- 2.3. Additionally, the following criteria must be met:
 - The mother/adopter must:
 - Be/have been entitled to statutory maternity/adoption leave or if not entitled to statutory maternity/adoption leave they must be/have been entitled to statutory maternity/adoption pay or maternity allowance; and
 - Have ended or given notice to reduce any maternity/adoption entitlements, referred to as 'curtailment'.
 - The employee wishing to take SPL must:
 - Be working for the University at the start of

each period of SPL

- Pass the 'continuity test' requiring them to have a minimum of 26 weeks' service at the end of the 15th week before the child's expected due date/matching date
- Correctly notify the University of their entitlement and provide evidence as required;
- The employee's partner must meet the 'employment and earnings test' requiring them in the 66 weeks leading up to the child's expected due date/matching date to have worked for at least 26 weeks and earned an average of at least £390 in total in any 13 of those weeks (this is correct as of 2015 but may change annually).

3. Timing of Shared Parental Leave

- 3.1. SPL can start as follows:
 - After the mother / main adopter has taken the mandatory first two weeks of 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 once they have taken any SPL).
- 3.2. Where a mother/adopter gives notice to end their maternity/adoption entitlement then the mother/adopter's partner can take leave while the mother/adopter is still using their maternity/adoption entitlements.
- 3.3. SPL will generally commence on the employee's chosen start date specified in their leave booking notice, or in any subsequent variation notice (see "Booking Shared Parental Leave" and "Variations to arranged Shared Parental Leave" below).
- 3.4. The mother and partner must take any SPL within one year of birth/placement of the adopted child.
- 3.5. Shared Parental Leave must be taken in blocks of at least one week.

4. Notification process

4.1. The notices that parents must give to the relevant employer to be able to take SPL are made up of three elements. They are:

a) “maternity/adoption leave curtailment notice” from the mother/adopter setting out when she/ he proposes to end her maternity/adoption leave (unless the mother/adopter has already returned to work from maternity/adoption leave)

b) “notice of entitlement and intention” from the employee giving an initial, non-binding indication of each period of Shared Parental Leave that he/she is requesting; and

c) “period of leave notice” from the employee setting out the start and end dates of each period of Shared Parental Leave that he/she is requesting.

5. Notice of entitlement and intention to take Shared Parental Leave

5.1. An employee who is entitled and who intends to take SPL must give the University, at least eight weeks’ notice before they can take any period of SPL.

5.2. Notification must be made via Unified which requires:

- The name of the other parent;
- The start and end dates of any maternity/ adoption leave or pay, or maternity allowance, taken and the total amount of SPL available
- The date on which the child is expected to be born and the actual date of birth or, the date on which the employee was notified of having been matched with the child and the date of placement for adoption
- The amount of SPL the employee and their partner each intend to take
- A non-binding indication of when the employee expects to take the leave.

5.3. The process requires a declaration from the employee that:

- they meet, or will meet, the eligibility conditions and are entitled to take SPL
- the information they have given is accurate
- indicates whether or not the mother/adopter confirms that they are either the father of the child or the spouse, civil partner or partner of the mother/adopter
- should they cease to be eligible they will immediately inform the University.

5.4. The employee must provide the University with a signed declaration from their partner confirming:

- Their name, address and national insurance number (or a declaration that they do not have a national insurance number)
- That they are the mother/adopter of the child or they are the father of the child or are the spouse, civil partner or partner of the mother/adopter
- That they satisfy the ‘employment and earnings test’ (see “Eligibility”), and had at the date of the child’s birth or placement the main responsibility for the child, along with the employee
- That they consent to the amount of SPL that the employee intends to take
- That they consent to the University processing the information contained in the declaration form; and
- (In the case whether the partner is the mother/ adopter), that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

6. Maternity/adoption leave curtailment notice

6.1. Before making an application for SPL the mother/ primary adopter must have returned to work (or have given notice of their planned return to work) before the end of their maternity/adoption leave. To end the statutory maternity /adoption leave period the mother/primary adopter must follow the appropriate notification requirements in their employer’s Maternity /Adoption Leave Procedures.

7. Requesting further evidence of eligibility

7.1. The University will normally operate on a 'trust' basis when dealing with SPL. However is able to request the following additional information and must do so within 14 days of receiving notification of intention to take Shared Parental Leave from the employee:

- The name and business address of the partner's employer (where the employee's partner is no longer employed or is self-employed their contact details must be given instead)
- In the case of biological parents, a copy of the child's birth certificate (or, where one has not been issued, a declaration as to the time and place of the birth)
- In the case of an adopted child, documentary evidence of the name and address of the adoption agency, the date on which they were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

7.2. In order to be entitled to SPL, the employee must produce this information within 14 days of the University's request.

8. Booking Shared Parental Leave

- 8.1.** In addition to notifying the entitlement to SPL, an employee must also give notice to take the leave. In many cases, notice to take leave will be given at the same time as the notice of entitlement to SPL.
- 8.2.** The employee has the right to submit three notifications specifying leave periods they are intending to take. Each notification may contain either:
- a) A single period of (continuous) weeks of leave; or
 - b) Two or more weeks of discontinuous leave, where the employee intends to return to work between periods of leave.
- 8.3.** SPL can only be taken in complete weeks but may begin on any day of the week. The employee must

book SPL by giving the correct notification at least eight weeks before the date on which they wish it to start.

Continuous leave notifications

- 8.4.** A notification can be for a period of continuous leave, which means a notification of a number of weeks taken in a single unbroken period of leave (for example, six weeks in a row).
- 8.5.** An employee has the right to take a continuous block of leave notified in a single notification, so long as it does not exceed the total number of weeks of SPL available to them (specified in the notice of entitlement) and the University has been given at least eight weeks' notice.
- 8.6.** An employee may submit up to three separate notifications for continuous periods of leave.

Discontinuous leave notifications

- 8.7.** A single notification may also contain a request for two or more periods of discontinuous leave, which means asking for a set number of weeks of leave over a period of time, with breaks between the leave where the employee returns to work (for example, an arrangement where an employee will take six weeks of SPL and work every other week for a period of three months).
- 8.8.** The University will consider a discontinuous leave notification but has the right to refuse it.

9. Responding to a Shared Parental Leave notification

- 9.1.** The employee will be informed in writing of the decision as soon as is reasonably practicable, but no later than the 14th day after the leave notification was made. The request may be granted in full or in part. If a discontinuous leave pattern is refused then the employee may withdraw the request without detriment on or before the 15th day after the notification was given; or may take the total number of weeks in the notice in a single continuous block. If the employee chooses to take the leave in a single continuous block, the employee has until the 19th day from the date the original notification was given to

choose when they want the leave period to begin.

- 9.2.** The leave cannot start sooner than eight weeks from the date the original notification was submitted. If the employee does not choose a start date then the leave will begin on the first leave date requested in the original notification.

10. Variations to arranged Shared Parental Leave

- 10.1.** The employee is permitted to vary 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.
- 10.2.** Any variation 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/vary 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.

11. Statutory shared parental pay (ShPP)

- 11.1.** Eligible employees may be entitled to take up to 37 weeks' ShPP while taking SPL. The amount of weeks available will depend on the amount by which the mother/adopter reduces their maternity/adoption pay period or maternity allowance period.
- 11.2.** ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.
- 11.3.** In addition to meeting the eligibility requirements for SPL, an employee seeking to claim ShPP must further satisfy each of the following criteria:
- The mother/adopter must be/have been entitled to statutory maternity/adoption pay or maternity allowance and must have reduced their maternity/adoption pay period or maternity allowance period

- The employee must intend to care for the child during the week in which ShPP is payable
- The employee must have an average weekly earnings for the period of eight weeks leading up to and including the 15th week before the child's expected due date/matching date are not less than the lower earnings limit in force for National Insurance Contributions
- The employee must remain in continuous employment until the first week of ShPP has begun
- The employee must give proper notification in accordance with the rules set out below.

- 11.4.** Where an employee is entitled to receive ShPP they must, at least 8 weeks before receiving any ShPP, give the University written notice advising of their entitlement to ShPP. To avoid duplication, if possible, this should be included as part of the notice of entitlement to take SPL.

- 11.5.** In addition to what must be included in the notice of entitlement to take SPL, any notice that advises of an entitlement for ShPP must include:

- The start and end dates of any maternity/adoption pay or maternity allowance;
- The total amount of ShPP available, the amount of ShPP the employee and their partner each intend to claim, and a non-binding indication of when the employee expects to claim ShPP
- A signed declaration from the employee confirming that the information they have given is correct, that they meet, or will meet, the criteria for ShPP and that they will immediately inform the university should they cease to be eligible
- A signed declaration from the employee's partner confirming:
 - Their agreement to the employee claiming ShPP and for the organisation to process any ShPP payments to the employee
 - (in the case whether the partner is the mother/adopter) that they have reduced their maternity/adoption pay or maternity allowance

- (in the case whether the partner is the mother/adopter) that they will immediately inform their partner should they cease to satisfy the eligibility conditions.

11.6. Any ShPP due will be paid at a rate set by the Government for the relevant tax year.

12. Contractual benefits during Shared Parental Leave

12.1. All employees are entitled to benefit from all contractual terms and conditions - except wages or salary - throughout the entire 50 week period of SPL.

Annual leave

12.2. During SPL, the employee will continue to accrue annual leave, at their contractual rate. It may be possible for accrued annual leave to be added to the start or end of the SPL period. Such arrangements should be agreed between the employee and her line manager before the SPL period starts.

Pension and national insurance contributions

12.3. Whilst the employee is being paid by the University, e.g. if she is a member of a pension scheme recognised by the University, she will continue to pay pension and National Insurance Contributions.

12.4. During any unpaid period, pension and national insurance contributions will not be paid.

12.5. Members of the LGPS and USS can buy back missed contributions up to 3 years after returning from SPL. In these circumstances, the employer will also pay employer contributions for this period. There is no mechanism for buying back missed contributions in the TPS.

Salary progression

12.6. On return to work, an employee's salary will automatically take account of any increase to their salary which would have occurred had they not been on SPL.

13. Contact during Shared Parental Leave

13.1. The University reserves the right to maintain reasonable contact with employees during SPL. This may be to discuss employees' plans for their return to work, to discuss any special arrangements to be made or training to be given to ease their return to work or to update them on developments at work during their absence.

13.2. Employees can agree to work for the University (or to attend training) for up to 20 days during Shared Parental Leave without that work bringing the period of his/her Shared Parental Leave and pay to an end. These are known as 'Shared Parental Leave in touch' (or SPLIT) days

13.3. The days can be worked individually or in a block and there is no obligation for a line manager to offer, neither for an employee to work.

13.4. Any SPLIT days worked will be paid for the number of hours worked (or attended) at the normal rate of pay in force at that date (and normally paid in arrears). Please note if less than a full day is worked, this still counts as using up one SPLIT day.

13.5. Payment for SPLIT days will not interrupt SPL or the payment of Statutory or Occupational ShPP. In order to ensure correct payment, a KIT payment request form must be completed and sent HR as soon as possible after the KIT day has been worked.

13.6. Please note payment for SPLIT days will not exceed full pay. If a SPLIT day occurs during a period of Occupational ShPP, paid at full pay, then no additional payment will be made. If a KIT day occurs during a period of Statutory ShPP, this will be "topped up" so that the employee receives full pay for the appropriate number of hours.

14. Returning to work after Shared Parental Leave

14.1. 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.

- 14.2.** If the employee wishes to return to work earlier they 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 so.
- 14.3.** The employee has the right to resume working in the same job when returning to work from SPL if the period of leave, when added to any other period of SPL, statutory maternity leave or statutory paternity leave taken by the employee in relation to the same child, is 26 weeks or less.
- 14.4.** 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.
- 14.5.** If the employee also takes a period of unpaid parental leave of 4 weeks or less this will have no effect on the employee's right to return to the same job as before taking the last period of leave if the aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks.
- 14.6.** If a parent takes a period of 5 weeks of unpaid parental leave, even if the total aggregate weeks of maternity/paternity/adoption and SPL do not exceed 26 weeks, the employee will be 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 suitable and appropriate and on terms and conditions no less favourable.
- 14.7.** An employee wishing to make a request to work more flexibly when they return to work following SPL should do so in accordance with the University's Flexible working Procedure. Any requests should be submitted 12 weeks before the end of SPL.
- 14.8.** If a flexible working request is not yet finalised on return to work, the employee will be required to return to work on their current terms and conditions until such time that the request is concluded.

15. Leaving the University

- 15.1.** If employment ends for any reason (including the termination of a fixed-term contract) before the start of, or during SPL, there will normally be no entitlement to Occupational ShPP (although there may still be entitlement to statutory payments, subject to the Statutory ShPP rules).
- 15.2.** If the employee decides during SPL that they do not wish to return to work, they should give written notice of resignation to the organisation as soon as possible and in accordance with the terms/notice period of their contract.