

# Guidelines

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**Title:** Shared Parental Leave - Frequently Asked Questions

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## **Introduction**

Shared parental leave enables mothers to end their maternity leave and pay at a future date, and to share the untaken balance of leave and pay as shared parental leave with their partner, or to return to work early from maternity leave and opt in to shared parental leave and pay at a later date. Shared parental leave is designed to allow couples greater freedom to decide how to take their family-friendly leave. Shared parental leave is also available to adoptive parents.

## **How do I know if I'm eligible?**

There is a two-stage test for eligibility for shared parental leave: you must be eligible in your own right and your partner must also meet certain eligibility requirements.

You will be eligible for shared parental leave to care for your child if you:

- have at least 26 weeks' continuous employment by the end of the 15th week before the expected week of childbirth and remain in continuous employment with the University until the week before any period of shared parental leave that you take;
- have the main responsibility for the care of the child at the date of the birth (apart from the responsibility of your partner or the child's father);
- are entitled to statutory maternity leave in respect of the child;
- have curtailed your statutory maternity leave by giving the relevant notice, or returned to work before the end of the maternity leave period; and
- have complied with the relevant notice and evidence requirements.

In addition, your partner (i.e. the child's father or your spouse, civil partner or partner) must:

- have been employed or self-employed during at least 26 of the 66 weeks before the expected week of childbirth;
- have average weekly earnings of at least £30 for any 13 of those 66 weeks; and
- have the main responsibility for the child at the date of the birth (apart from the responsibility of the mother).

## **How do I apply?**

A. If you think you meet the eligibility criteria to take shared parental leave, you need to complete a 'Notice of entitlement and intention to take shared parental leave' and give it to your manager to approve (notices are available on the [HR Website](#)). If you are the mother or primary adopter this notice will ask you for:

- your name;
- your partner's name;
- the start and end dates of any statutory maternity leave taken or to be taken by you;
- the total amount of shared parental leave available;
- your child's expected week of birth and your child's date of birth (although, if your child has not yet been born, the date of birth can be provided as soon as reasonably practicable after birth, and before the first period of shared parental leave to be taken by you);
- how much shared parental leave you and your partner each intend to take; and

- a non-binding indication as to when you intends to take shared parental leave (including the start and end dates for each period of leave).

Your notice of entitlement and intention must also include a declaration signed by you that:

- you satisfy, or will satisfy, the eligibility requirements to take shared parental leave;
- the information you give in the notice of entitlement and intention is accurate; and
- you will immediately inform the organisation if you ceases to care for the child.

You will also need to get your partner to provide certain information on this form and sign the declaration.

Prior to taking any leave you must give the University at least eight weeks' notice by completing a 'Request for a period of shared parental leave'.

### **Where can I find the University's policy and forms for shared parental leave?**

The University's policy and all of the relevant forms for applying and taking shared parental leave are available on the [HR Website](#).

### **Can I take shared parental leave at the same time as my partner?**

Yes. Shared parental leave is aimed at giving parents more flexibility over how they share childcare between them during the first year of their child's life. It means you can take it in turns to have periods of leave and pay to care for your child, and/or take leave and pay at the same time as each other.

### **Can my partner take shared parental leave while I'm still on maternity leave?**

Yes, if you have indicated to us the date on which you will be curtailing your maternity leave, and all the relevant eligibility criteria and notice requirements are satisfied, your partner can begin a period of shared parental leave while you are still on maternity leave.

### **Can I take shared parental leave if my partner is self-employed?**

Yes, you can be eligible to take shared parental leave if his or her partner is self-employed, as long as your partner meets the relevant requirements relating to employment and earnings.

Your partner must have:

- been engaged in employment either as an employed or self-employed earner for any part of the week in at least 26 of the 66 weeks immediately before the expected week of birth (or the week of notification of matching for adoption); and
- average weekly earnings of at least £30 in any 13 of those 66 weeks.

### **I've been working on a causal contract and have just been made permanent, can I take shared parental leave?**

It depends on whether you and your partner meet the eligibility requirements.

### **I'm employed on a fixed term contract, am I eligible?**

If you and your partner meet the eligibility requirements and your fixed term agreement does not end before your period of shared parental leave is due to commence then you can take shared parental leave. If your fixed term employment expires and your employment is terminated your shared parental leave will cease at this point.

### **My partner also works for the University, can we both take shared parental leave?**

Yes, if you and your partner both meet the eligibility requirements for shared parental leave you may both share the leave available and the payments.

### **How much shared parental leave is available and when can I take it?**

Up to 50 weeks' shared parental leave can be shared between you and your partner. The amount of shared parental leave available is 52 weeks, minus the amount of maternity leave taken by the mother. The compulsory maternity leave period is reserved for the mother, therefore the mother cannot curtail her maternity leave until two weeks (or four weeks for factory workers) after the birth. However, the mother's partner can begin a period of shared parental leave at any time from the date of the child's birth. All leave must be taken within the first 52 weeks following the birth.

### **Do I have to take all the leave at once?**

No, you can request to take discontinuous periods of leave, i.e. you take a period of shared parental leave, then return to work, then take a further period of shared parental leave. You can do this either by making a request for a discontinuous block of leave or by submitting up to three separate notices requesting periods of leave.

Shared parental leave must be taken in blocks of at least one week. All leave must be taken before your child's first birthday, or before the first anniversary of the adoption placement.

### **How much notice do I need to give?**

Before either parent can take shared parental leave, the mother must give her employer a leave curtailment notice, setting out the date on which she intends to bring her maternity leave to an end. This must be given no less than eight weeks before the start of the first period of shared parental leave taken by either of the parents.

The employee, whether the mother or her partner, must give his or her employer a notice of entitlement and intention to take shared parental leave not less than eight weeks before the start of his or her first period of shared parental leave.

In addition, no less than eight weeks before each period of shared parental leave, the employee taking the leave must give his or her employer a period of leave notice, setting out the start and end dates of the period or periods of leave requested.

### **What happens if I don't give the required notification?**

You may lose the right to start your maternity leave on your chosen date. An exception may be made where it was not reasonably practical for you to give notice earlier.

### **Do I get paid while on shared parental leave?**

Yes, up to 37 weeks' shared parental pay is available for parents to share between them while on shared parental leave.

Shared parental pay is paid at the [statutory rate](#).

### **What happens to my contractual maternity pay if I go on shared parental leave?**

Once you commence a period of shared parental leave, your contractual maternity pay will cease and you will be paid at the statutory shared parental pay rate.

### **Is my job protected while I'm on shared parental leave?**

You have the right to return to the same job after taking a period of shared parental leave if the period of leave (when added to any period of statutory maternity, paternity or adoption leave taken by you in relation to the same child) is 26 weeks or less.

The job must be the same in terms of the nature of the work, the capacity in which you were employed, the place of work and on terms and conditions no less favourable.

If you have taken more than 26 weeks (when added to any period of statutory maternity, paternity or adoption leave taken by you in relation to the same child) you have the right to return to the same job unless

it is not reasonably practicable for the employer to permit this - in which case you have the right to return to another job that is both suitable and appropriate for you to do in the circumstances.

### **Can I change the dates of my leave?**

Yes, you can change your mind about when you intend to take shared parental leave at various stages in the process.

You can vary or cancel your proposed shared parental leave dates after submitting a notice of entitlement and intention, which gives an indication of the leave pattern that you intend to take but is non-binding until you provide a period of leave notice in relation to the particular period of leave. There is no limit on the number of variations of notice of entitlement and intention that you can make.

Once you have submitted a period of leave notice, you can vary or cancel your shared parental leave dates by providing the University with at least eight weeks' written notice. You can submit a maximum of three separate periods of leave notices and a variation notice counts towards this total.

### **Can I still take paternity leave? What about additional paternity leave?**

Yes, you will still be able to take one or two weeks' ordinary paternity leave within the first 56 days following the child's birth, once shared parental leave is in force. However, reg.4 of the draft Paternity and Adoption Leave (Amendment) Regulations 2014 provides that an employee cannot take ordinary paternity leave if he or she has already taken a period of shared parental leave in relation to the same child. Therefore, you can choose to take both ordinary paternity leave and shared parental leave, but the period of ordinary paternity leave must come first.

Additional paternity leave is being abolished and replaced by shared parental leave. Shared parental leave will apply in relation to babies due on or after 5 April 2015. Additional paternity leave will continue to be available only in relation to babies due before 5 April 2015.

### **Can I take shared parental leave if I'm having a child through adoption or surrogacy?**

Yes, shared parental leave is available to a couple adopting a child where the child is placed for adoption on or after 5 April 2015, or in the case of an adoption from abroad, where the child enters Great Britain on or after 5 April 2015. If the couple meets the eligibility requirements, the main adopter, i.e. the person who will be able to take adoption leave, can curtail his or her adoption leave and share the untaken leave with his or her partner as shared parental leave.

Where a child is born to a surrogate mother, the intended parents can become the child's legal parents by applying for a parental order. One of the intended parents must be genetically related to the child and the child must live with the intended parents.

If you are having a child through a surrogate mother and you have a parental order in relation to a child, or are applying for one, you or your partner can be eligible for adoption leave and pay and the other be eligible for paternity leave and pay. You and your partner must elect which of you will take adoption leave. If you take adoption leave in these circumstances you can curtail your adoption leave and take shared parental leave with your partner, provided you both meet the relevant eligibility requirements.

### **Am I parents entitled to shared parental leave if my baby is due before 5 April 2015 but is born on or after that date?**

No. Shared parental leave is available only in relation to babies whose expected week of birth begins on or after 5 April 2015. The actual date of birth is not relevant for the purposes of eligibility for shared parental leave.

Similarly, if your baby is expected on or after 5 April 2015 is actually born before that date, your eligibility for shared parental leave is not affected.

### **Do I continue to accrue annual leave while on shared parental leave?**

Yes, your entitlement to annual holidays continues to accrue during shared parental leave.

**What are shared-parental-leave-in-touch (SPLIT) days?**

SPLIT Days are days during which you can agree with your manager to work. You can work for up to 20 days during shared parental leave without that work bringing the period of shared parental leave and pay to an end.

**Do I get paid for SPLIT days?**

You will be paid for the hours they work at the rate you would usually receive. This will be offset by any shared parental pay you would have received for that week against the total.

**What happens to my child-care vouchers while I'm on shared parental leave?**

If you have been receiving childcare vouchers through salary sacrifice before your shared parental leave began you are entitled to continue to receive childcare vouchers throughout your shared parental leave\*.

**What if I am on a fixed term contract?**

You can still be entitled to Shared Parental Leave and Pay, presuming you meet the eligibility criteria for Shared Parental Leave and your fixed term contract doesn't expire until after you complete your Shared Parental Leave.

**What happens to my pension contributions while I am on shared parental leave?**

You will maintain your usual pension contributions while on shared parental leave.

The University will then pay any shortfall to ensure that the member's contributions are maintained at full-pay level.