**UNIVERSITY OF ABERDEEN**

**SHARED PARENTAL LEAVE PROCEDURE**

# Introduction

The University of Aberdeen is committed to fully supporting members of staff to balance their family and work commitments.

# Purpose

The Shared Parental Leave policy outlines your rights and responsibilities and shared parental leave and pay benefits you can expect to receive.

This Procedure will be applied , in line with the University’s commitment to equality, diversity and inclusion..

# Scope

Shared Parental Leave (SPL) enables eligible parents to choose how to share the care of their child during the first year of birth or adoption. Its purpose is to give parents more flexibility in considering how to best care for, and bond with, their child. You can take leave in blocks separated by periods of work or take it all in one go. You can choose to be off work at the same time as your partner or to stagger the leave and be off at different times.

All eligible employees have a statutory right to take Shared Parental Leave. There may also be an entitlement to some Shared Parental Pay.

This policy sets out the statutory rights and responsibilities of employees who wish to take statutory SPL and statutory Shared Parental Pay (ShPP).

# Definitions

The following definitions are used throughout this policy:

**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).

**Partner**: the child’s biological father or the partner of the mother/adopter. This can be a spouse, civil partner or a partner who is living in an enduring relationship with the mother and the child.

**SPL**: Shared Parental Leave

**ShPP**: Statutory Shared Parental Pay.

**Continuous Leave**: a period of leave that is taken in one block e.g. four weeks’ leave.

**Discontinuous Leave**: a period of leave that is arranged around weeks where the employee will return to work e.g. an arrangement where an employee will work every other week for a period of three months.

**SPLIT day**: Shared Parental Leave in Touch Day.

# Responsibilities

## Staff Members

It is the responsibility of staff members to:

• Familiarise themselves with this procedure

• Notify Human Resources of their intentions and discuss the type of leave they wish to apply for

• Provide documents and communicate intentions within deadlines

• Maintain a dialogue with their line manager

## Line Manager

Line managers must support staff who are expecting a child and are expected to:

• Familiarise themselves with this procedure

• Access the resources in the Parents Handbook and HR Handbook, particularly the Line Manager Guidance and checklists, available from [Human Resources | StaffNet | The University of Aberdeen (abdn.ac.uk)](https://www.abdn.ac.uk/staffnet/working-here/about-hr-994.php#handbook)

• If required, liaise with relevant staff to make suitable arrangements with funders. Please note that all staff are entitled to the same leave and pay irrespective of source of funding.

• Ensure that staff that are preparing for or are on leave are not disadvantaged, e.g. with regard to costing on funding proposals, being invited to comment on / contribute to papers, being included in team discussions.

• Contact Human Resources with any questions they have about the process or their responsibilities

## Human Resources

Human Resources must ensure that staff are aware of their entitlements and options when preparing for leave and will:

• Advise on the application of this procedure

• Meet with staff upon notification of their intention to take leave

• Answer queries from the staff member, line manager or School/Section staff

It is important to note that everyone’s individual circumstances will be different. HR will advise on available options, but some decisions need to be made by staff members.

# Shared Parental Leave and Pay

## Eligibility for Shared Parental Leave and Pay

You are eligible to take SPL if:

* have a minimum of 26 weeks' service at the end of the 15th week before the child’s expected due date/matching date;
* your partner (the mother/lead adopter) curtails their entitlement to UK maternity/adoption leave and pay
* you share responsibility with your partner for the care of your child at the time of their birth/placement;
* you are employed, and remain in continuous service, by the University at the start of each period of leave;
* your partner is employed in Great Britain and meets the UK statutory ‘employment and earnings’ test, i.e. they:
  + worked for 26 weeks in the 66 weeks before your child’s due date/placement and,
  + earned an average of at least £30 per week in any 13 of these 66 weeks;
* correctly notify the University of your entitlement and provide evidence as required.[[1]](#footnote-2),2

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## Shared Parental Leave entitlement

If you are an eligible employee you may be entitled to take up to 50 weeks SPL during the child’s first year in your 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. 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.

## Those not entitled to Shared Parental Pay and /or Shared Parental Leave

Only employees are entitled to shared parental leave. Agency workers, self-employed parents or parents who are not employed are not entitled to shared parental leave. However, where a mother/adopter qualified for statutory maternity/adoption pay or maternity allowance, her partner would be entitled to shared parental pay if he (or she) qualified for statutory paternity pay.

Individuals who have questions in this regard should contact their HR Adviser/Partner.

## Taking Shared Parental Leave:

* If you are the father/partner/spouse you can take SPL immediately following the birth/placement of your child, but may first choose to exhaust any paternity / partner leave entitlements (as the father/partner cannot take paternity leave or pay once they have taken any SPL or ShPP).
* If you are the mother you can take SPL after you have taken the statutory minimum of two weeks of maternity leave immediately following the birth of your child
* If you are the adopter you can take SPL after taking at least two weeks of adoption leave

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

If the employee is eligible to receive it, Shared Parental Pay (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.

# Shared Parental Leave Pay

The University provides two options in relation to Shared Parental Pay. The entitlement is based on:

* Your earnings during a specific period before the shared parental leave
* Your length of service with the University of Aberdeen
* Whether or not you intend to return to work following your period of Shared Parental Leave

The options available to you are outlined below:

### Occupational Shared Parental Pay (OShPP) (Option 1)

If you have been continuously employed by the University for 52 weeks prior to the birth/adoption of your child and you indicate that you intend to return to work following your shared parental leave, any statutory entitlements may be supplemented by the University’s Occupational Shared Parental Pay.

The pay which you will receive during this period will include any statutory entitlement to Shared Parental Pay (ShPP) from the Government. Where you agree that you will return to post for a minimum of 6 months following your period of Shared Parental Leave, you are entitled to receive a maximum of:

16 weeks full pay followed by 19 weeks at the appropriate rate of statutory ShPP.

Please note that you will only receive the balance of untaken Occupational Maternity Pay (OMP) at the full pay rate i.e. if you have already taken 6 weeks OMP you would receive a maximum of 12 weeks OShPP.

If both parents work for the University then the total number of weeks OMP and OShPP shared between them is 18 weeks.

You should also note that if you qualify to receive Occupational Shared Parental Pay and decide that you do not wish to return to work after your Shared Parental Leave or if you leave the University before the end of 6 months, you will only be eligible to receive Statutory Shared Parental Pay. Therefore, you will be required to repay the occupational elements of your shared parental pay, pro-rated to the amount of time (if any) you returned to work.

### Statutory Shared Parental Pay (Option 2)

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

If you are not eligible to Occupational Shared Parental Pay, you may be entitled to take up to 37 weeks ShPP while taking SPL. Eligibility criteria for SPL and ShPP are the same. 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.

ShPP may be payable during some or all of SPL, depending on the length and timing of the leave.

Please contact your HR Partner for clarification and guidance on the pay arrangements and documentation you must complete.

# Procedure Notifying the University of an Entitlement to Shared Parental Leave

## Notification

If you are entitled and intending to take SPL you must give your line manager notification of your entitlement and intention to take to SPL, at least eight weeks before you take any period of SPL using the appropriate form at Appendix 1.

Your Partner must complete the ‘Partner’s declaration’ on the form.

## Requesting further evidence of eligibility

The University reserves the right, within 14 days of the SPL entitlement notification being given to request:

* the name and business address of your partner’s employer and a copy of the child's birth certificate.
* Or where the child is adopted , documentary evidence of the name and address of the adoption agency, the date on which you were notified of having been matched with the child and the date on which the agency expects to place the child for adoption

You must produce this information within 14 days of the University’s request to be eligible to for SPL and receive ShPP.

# Discussions regarding Shared Parental Leave

If you are considering taking SPL you are encouraged to contact your HR Partner to arrange an informal discussion as early as possible regarding your potential entitlement, to talk about your plans and to enable the University to support you.

The HR department may upon receiving a notification of entitlement to take SPL seek to arrange an informal discussion with you and your line manager to talk about your intentions and how you plan to use your SPL entitlement.

The purpose of the meeting is to discuss in detail the leave proposed and what will happen while you are away from work. Where it is a request for discontinuous leave the discussion may also focus on how the leave proposal could be agreed, whether a modified arrangement would be agreeable to you and the University, and what the outcome may be if no agreement is reached.

# Booking Shared Parental Leave

In addition to notifying the University of entitlement to SPL/ShPP, you must also give notice to take the leave. Usually notice to take leave will be given at the same time as the notice of entitlement to SPL using either form ‘Notification the Mother is intending to take Shared Parental Leave (for Mother’s Employer) Form or ‘Notification that Partner is intending to take Shared Parental Leave (for Partner’s Employer)’ Form.

These should also be used for additional requests.

You have the right to submit three notifications specifying leave periods you are intending to take. Each notification may contain either (a) a single period of weeks of leave; or (b) two or more weeks of discontinuous leave, where you intend to return to work between periods of leave.

SPL can only be taken in complete weeks but may begin on any day of the week. For example if a week of SPL began on a Tuesday it would finish on a Monday.

You must book SPL by giving the correct notification at least eight weeks before the date on which you wish to start the leave and (if applicable) receive ShPP.

## Continuous leave notifications

You have 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 you (specified in the notice of entitlement) and you have given at least eight weeks’ notice.

## Discontinuous leave notifications

You can also 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 you return to work (for example, an arrangement where an you will take six weeks of SPL and work every other week for a period of three months).

Discontinuous leave requests must be approved by your line manager. Where there is concern over accommodating your notification, the University or you may seek to arrange a meeting to discuss the notification with a view to agreeing an arrangement that meets your needs and the needs of the University. You may, if you wish request to bring your Trade Union Representative to this meeting.

The University will consider a discontinuous leave notification but has the right to refuse it. If the leave pattern is refused, you can either withdraw it within 15 days of giving it, or can take the leave in a single continuous block

## Responding to a Shared Parental Leave notification

Once HR receives the leave booking notice, it will be dealt with as soon as possible, but a response will be provided no later than the 14th day after the leave request was made.

All notices for continuous leave will be confirmed in writing.

All requests for discontinuous leave will be carefully considered, weighing up the potential benefits to the employee and to the University against any adverse impact to the operation.

Each request for discontinuous leave will be considered on a case-by-case basis. The request may be granted in full or in part: for example, the University may propose a modified version of the request.

If a discontinuous leave pattern is refused then you 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. The leave cannot start sooner than eight weeks from the date the original notification was submitted. If you do not choose a start date then the leave will begin on the first leave date requested in the original notification.

## Variations to arranged Shared Parental Leave

You are permitted to vary or cancel an agreed and booked period of SPL, provided that you 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 variation or cancellation notification made, including notice to return to work early, will usually count as a new notification reducing your right to book/vary leave by one. Any variation will be confirmed in writing by the University.

# During your Shared Parental Leave

We may make reasonable contact with you from time to time during your SPL period e.g. to make arrangements for your return to work or to notify you of developments in your School/Section, or promotion opportunities etc.

Contact during leave

• You should discuss your preferences for contact during leave with your manager and are encouraged to think about the following:

• The frequency of contact

• The preferred method of contact

• Time of contact/core hours

• Whether there are any areas of work you would like to be kept updated

• The circumstances under which you are happy to be contacted e.g. if there are changes happening / new posts in the team / grant submissions to be involved in

• When you would like to start planning for return to work

The purpose of this is to encourage appropriate communication between you and your manager.

As well as staying in contact during shared parental leave, you are able to work (including attending training or conferences) for up to 20 days during SPL without bringing your period of SPL or ShPP to an end. These are known as “Shared Parental Leave In Touch” or “SPLIT” days.

SPLIT days are optional, you are not obliged to undertake any such work during this time. If you undertake such work during your SPL period, you will receive a full day’s pay for each day worked. Please note this payment will take account of any Occupational or ShPP you are being paid.

If you wish to utilise ‘SPLIT ‘Days you should contact your Line Manager in the first instance. Your Line Manager will notify HR of any work which you undertake as a SPLIT day and appropriate arrangements will be made to ensure that your receive payment for them.

The University is under no obligation to offer you any work, during your SPL. An employee taking a SPLIT day will receive full pay for any day worked. If a SPLIT day occurs during a week when you are receiving ShPP, this will be effectively ‘topped up’ so that you receive full pay for the day in question. Any SPLIT days worked do not extend the period of SPL.

# Returning to work after Shared Parental Leave

Shared Parental Leave is structured so that is does not adversely affect your position at work. When you return from SPL, you will normally return to your original job. In some cases a return to your original job may not be possible e.g. as a result of restructuring within your school/Section. In such circumstances, you will be guaranteed to return to a post with no less favourable terms and conditions. In all cases your return to work will be without loss of seniority or status.

It is recognised by the University that when you return from SPL it is important that reasonable steps are taken to facilitate a smooth re-integration to your workplace. In this connection, your Line Manager will provide you with appropriate support to ensure that you become familiar with any changes which have taken place in your absence and where appropriate, to re-focus your research and/or teaching profile.

# Terms and Conditions of Employment During Shared Parental Leave and Pay

All the terms and conditions of your employment remain in force during your Shared Parental Leave, with the exception of those relating to normal pay and pension benefits.

## Continuity of Service

The date of your continuous service with the University is not affected by any period(s) of SPL which you take; this means that there will be no break in service during your absence on SPL.

## Pay

You will continue to receive all pay awards and any increments which are due to you during your SPL. If you are on a period of unpaid leave when such awards become due, your salary will be adjusted upon your return to work.

## Annual Leave

Your contractual annual leave entitlement shall continue to accrue throughout the period of your SPL. You can, with your Line Manager’s agreement, add your annual leave entitlement onto the beginning or end of your adoption leave. Arrangements for carrying over annual leave entitlement should be discussed and agreed with your Line Manager.

## Pensions

During any paid period of SPL the University will continue to pay employer’s contributions to your pension scheme for as long as your continue to make contributions. The percentage paid will be based on what your earning would have been if you had not been on SPL. The period during which you receive paid SPL also counts towards your pensionable service.

During unpaid SPL the University will not make employer’s contributions into your pension scheme. You do not have to make any contributions, but you may do so if you wish. It should be noted that if you choose to make these contributions you would be required to pay both employer and employee contributions to the scheme. If you choose not to make such contributions, your membership of the pension scheme will be suspended and the period of SPL does not count as pension able service.

Further information about your pension benefits and how they will be affected by your shared parental leave is available from the Pensions Office ([pensions@abdn.ac.uk](mailto:pensions@abdn.ac.uk)).

## Resignation

If you choose to resign from your post, you will continue to accrue contractual benefits (excluding normal pay), until the end of your notice period. Upon the expiry of your notice period, you will continue to receive ShPP only until your entitlement to receive this payment ends.

# Special circumstances and further information

In certain situations an employee’s rights and requirements regarding SPL and ShPP may change. In these circumstances the University will abide by any statutory obligations and an employee should refer to the documents listed below and/or clarify any issues or queries with the HR department.

Law relating to this document:

* The Shared Parental Leave Regulations 2014
* The Shared Parental Pay (General) Regulations 2014
* The Maternity and Adoption Leave (Curtailment of Statutory Rights to Leave) Regulations 2014
* Employment Rights Act 1996
* Child and Families Act 2014
* Equality Act 2010

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1. Shared parental leave and shared parental pay may also be available for parents whose child is born through a surrogacy arrangement if they are entitled to adoption and/or statutory adoption pay. 2 Employees on ‘Zero Hours’ contracts may be eligible if they meet the relevant criteria. [↑](#footnote-ref-2)