

Shared Parental Leave

UPR HR26 version 01.0

Policies superseded by this document

This is the first version of this document, effective from 13 December 2021.

Summary of significant changes to the previous version

This is the first version of this document and should be read in full.

Glossary

A glossary of approved University terminology can be found in [UPR GV08](#).

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1 Policy Statement

- 1.1 The arrangements for Shared Parental Leave and Pay are designed to provide the opportunity for new parents and adoptive parents to plan for the shared care of their child.
- 1.2 This policy should act as a guide for employees and managers. It is intended to provide basic information in a straightforward way, helpful to those considering Shared Parental Leave. This policy is not intended to cover every eventuality of the legislation on Shared Parental leave. If you have further questions, please speak to the Employee Support Team Leader.

2 Scope

- 2.1 This policy applies to employees of the University of Hertfordshire, whether they are the mother or partner, including adoptive parents. If it is the mother who is employed by the University, their partner must (where relevant) submit any notifications to take shared parental leave set out in this guide to their own employer if they want to take a period of shared parental leave.
- 2.2 Similarly, if it is the partner who is employed by the University, the mother must submit any notifications to take shared parental leave to their own employer.
- 2.3 The mother and the partner should each liaise with their own employer to ensure that requests for shared parental leave are handled as smoothly as possible.

3 Entitlement

- 3.1 As an employee of the University and a new or expectant parent, you may share a period of leave and pay with your partner during the child's first year.
- 3.2 **If you are the mother and a UH employee**, you must take the first two weeks following the birth/placement of your child as compulsory maternity leave. After this, you may choose to end your maternity leave and associated pay, and you and your partner may split the remainder of the statutory 52-week maternity leave entitlement and remainder of the 39-week maternity pay entitlement. Therefore, you may share up to 50 weeks' Shared Parental Leave (including up to 37 weeks' Shared Parental Pay). You may only share your leave with one other person.
- 3.3 **If you are the partner and a UH employee**, the mother of your child may choose to end their maternity leave early, and they may share up to 50 weeks' Shared Parental Leave, and up to 37 weeks' Shared Parental Pay.

- 3.4 You can stop and start your Shared Parental Leave and return to work between periods of leave. You and the other parent may take Shared Parental Leave in turn, in different blocks or at the same time. Shared Parental Leave must be taken in blocks of complete weeks. The minimum period of Shared Parental Leave is one week.

4 Eligibility

4.1 If you are the mother or primary adopter and a UH employee, you must:

- i Have a partner, with whom you have main responsibility for the care of your child at the date of birth/date of match for adoption.
- ii Have 26 weeks' continuous service at UH by the end of the 15th week before the Expected Week of Childbirth/match with a child for adoption.
- iii Remain in continuous employment with UH until the week before any period of Shared Parental Leave.
- iv Be entitled to Statutory Maternity/Adoption Leave/Pay or Maternity Allowance in relation to the child and end this entitlement.
- v Comply with the relevant notice and evidence requirements as outlined in this guide.

4.2 If you are the partner and a UH employee, you must:

- i Have a partner, with whom you have main responsibility for the care of your child at the date of birth/date of match for adoption.
- ii Have 26 weeks' continuous service at UH by the end of the 15th week before the Expected Week of Childbirth/match with a child for adoption.
- iii Remain in continuous employment with UH until the week before any period of Shared Parental Leave.
- iv Comply with the relevant notice and evidence requirements as outlined in this guide.

4.3 **In addition:** Where one parent is employed by UH, then the other parent must also meet certain requirements (whether they are also employed at UH, or by another organisation, or self-employed or unemployed):

- i Have main responsibility (with you) for the care of the child at the date of birth/date of match for adoption.

- ii Meet the “employment and earnings” test
- iii Have been engaged in employment (or self-employed) for 26 weeks in the 66 weeks preceding the Expected Week of Childbirth.
- iv Have had average weekly earnings above the maternity allowance threshold in any of these 66 weeks.

5 Arranging Shared Parental Leave

5.1 **Understand** whether you and your partner are both entitled to Shared Parental Leave and Shared Parental Pay, or whether just one of you, or neither of you. The following steps assume that at least one of you is entitled to Shared Parental Leave.

5.2 **Decide** what arrangements will best suit your particular circumstances in terms of sharing the care for your child. Questions you may want to ask yourselves are:

- i Is the mother prepared to reduce their maternity leave?
- ii What will be the financial impact for you?
- iii What will be the impact for you each in terms of your work, and any particular projects you are or might be involved in?
- iv How might Shared Parental Leave work for you alongside other arrangements you may have in place or that may be possible, such as flexible working and annual leave?
- v What sort of pattern of sharing care will be best for you?
- vi What will be the impact of the arrangements you have in mind on your pension? On the same basis as Maternity Leave, an employee will find that during their period of nil pay, pension contributions will cease, although they will have the opportunity to top-up contributions after their return to work.

5.3 **Discuss** with your manager as early as possible. Whilst you are only required to give notification (described in the next step), a conversation with your manager (particularly if you are having conversations with separate employers) helps to understand what options are available and what considerations your manager may have to bear in mind.

5.4 **Notify** your manager. There are requirements to fulfil to notify your manager:

- i **End** Maternity Leave. Shared Parental Leave can only be taken once Maternity Leave is ended, so if you are the mother and an employee of UH, you will need

to tell us you intend to end your Maternity Leave (sometimes called a curtailment notice). You need to give eight weeks' notice of the ending of your Maternity Leave and make sure you have had the two weeks of compulsory leave following the birth of your child. (see form SPL1)

- ii **Notification:** Provide your manager with a notice of entitlement and intention to take Shared Parental Leave (sometimes called opt-in notice) at the same time as you tell them of your plan to end your Maternity Leave. (see form SPL1)

5.5 **In circumstances where the mother is an employee of UH**, you will need to give the following information: (see form SPL2)

- i **Mother:** your name; the start date and end date of your maternity leave; and a signed declaration that:
 - a) you will be sharing responsibility for the care of the child
 - b) you have given notice to end your maternity entitlement
 - c) you meet the continuity of employment test
 - d) the information you have given is accurate
 - e) should you cease to be eligible you will immediately inform UH
- ii **Partner:** your partner must also provide UH with a signed declaration stating:
 - a) their name, address and national insurance number
 - b) they are the father, mother of the child or partner of the mother of the child
 - c) they meet the criteria for the employment earnings test
 - d) (if the mother) they are entitled to statutory maternity leave, statutory maternity pay or maternity allowance and that they have given notice to end that leave and pay/allowance
 - e) that the time of the birth or placement they shared the responsibility for the care of the child with the employee seeking to take Shared Parental Leave
 - f) they consent to the amount of leave and pay that the Mother is seeking to take
 - g) they consent to UH receiving this declaration to process the information contained within it
 - h) that they will immediately inform the mother should they cease to satisfy the eligibility conditions

5.6 **In circumstances where the partner is the employee of UH**, the following information will be required: (see form SPL3)

- i the partner's name
- ii the mother's name

- iii the start and end dates of any periods of statutory maternity leave, statutory maternity pay or maternity allowance taken or to be taken by the mother
 - iv the total amount of Shared Parental Leave available
 - v the child's expected week of birth and the child's date of birth (although, if the child has not yet been born, the date of birth can be provided as soon as reasonably practicable after the birth, and before the first period of Shared Parental Leave to be taken by the partner)
 - vi how much Shared Parental Leave the partner and mother each intend to take; and
 - vii a non-binding indication as to when the partner intends to take Shared Parental Leave (including the start and end dates for each period of leave).
- 5.7 **Both of you:** the total amount of Shared Parental Leave available to you (you calculate this on the basis of 52 weeks less the amount of Maternity Leave taken); an indication of when they intend to take Shared Parental leave:
- 5.8 At least one parent must book a period of Shared Parental Leave at the same time as submitting their notice of entitlement
- 5.9 **Your child:** their expected week of birth, actual date of birth or date of placement.
- 5.10 To Book Shared Parental Leave:**
- 5.11 When booking, remember it can:
- i start any day of the week
 - ii only be taken in complete weeks (so if Shared Parental Leave lasts for one week and begins on a Tuesday it will finish on the following Monday)
 - iii be taken using up to three separate notices to book leave
 - iv not be mixed up with Annual Leave. For example, a sequence of Shared Parental Leave immediately followed by Annual Leave, immediately followed by more Shared Parental Leave would generally not be accepted
- 5.12 Make sure you understand the difference between booking continuous and discontinuous blocks of time.
- i **Continuous** - This is an unbroken period of time in a single notice, for example, a period of six weeks. If you notify your manager of a continuous block, then they must accept this.

- ii **Discontinuous** - This is where, in a single notice, you notify your manager that you plan a period of leave, then a period back at work, followed by another period of leave: 4 weeks off / 4 weeks on / 4 weeks off, for example. If you do this, your manager does not have to accept it. Using this example, if you absolutely needed to secure those two periods of 4 weeks as leave, you could do so by providing a separate notice for each of them. In this case, they would each represent a continuous block and your manager would have to accept them. Remember however, that you would have used two of your three allowable booking notices.

5.13 **Response** - What will you hear back from your manager?

- i **Acceptance** - Your manager must accept a notification for a continuous block of Shared Parental Leave. They do not have to accept a discontinuous block but may do so.
- ii **Modification** - Where you have requested a discontinuous block, your manager may ask you to modify this. You will need to discuss this with them (as well as with your partner) to see if you can reach a conclusion that works for all sides.
- iii **Silence** - If you do not hear anything back from your manager, check that they received your request. If no agreement is reached regarding a discontinuous leave request during a 14-calendar day discussion period or no response is given, then the leave will default to a continuous block that adds up to the total that you requested in separate parts. You will then have to decide whether to take the leave as a continuous block or to withdraw the request. If you decide to withdraw your request, this will not count towards one of your three booking notices. If you opt for continuous leave you can choose when it will commence but this cannot be sooner than eight weeks from the date the original notification was given. If you do not choose, the start date automatically defaults to the date the requested discontinuous leave would have first started.

5.14 **Withdrawing request for Shared Parental Leave (see form SPL6):**

5.15 Once the mother has given notice to end maternity leave and either parent has informed their employer of their entitlement to take Shared Parental Leave then you are bound by the notice to end maternity leave and cannot withdraw it unless:

- i within eight weeks of the mother submitting notice to end their maternity leave it emerges that neither parent qualifies for Shared Parental Leave. In this case Shared Parental Leave becomes invalid and the mother will revert to Maternity Leave.

- ii when notice was given before birth, it may be withdrawn without a reason up to six weeks following the birth
 - iii the mother's partner dies.
- 5.16 If there is a joint entitlement to Shared Parental Leave, parents will have notified their respective employers of how much leave they each intend to take as part of the entitlement notice. They can vary this allocation of leave between them at any stage as long as it has not yet been booked. To vary this, both parents must notify each employer in writing of the following:
- i details of their original division of leave
 - ii advising of the fact that they are changing it
 - iii advising how they now intend to take the available Shared Parental Leave. As before, you will need to give eight weeks' notice.
- 5.17 Both parents must sign the notice to confirm that they are in agreement with the variation. If leave was booked but will no longer take place, a notice to vary leave must also be made. If you withdraw this before it has been agreed, it will not count towards one of your three booking notices, but once agreed it will. If you have already used up all of your notifications, your manager is under no obligation to agree to vary/cancel the leave but could still consider the request and decide whether it is reasonably practicable to grant it.
- 5.18 In the circumstances that a baby arrives early or late, then you may vary the arrangements agreed for Shared Parental Leave either backwards or forwards in line with the difference in actual date from the planned date.

6 During Shared Parental Leave

- 6.1 You may take up to 20 Shared Parental Leave In-Touch (SPLIT) days, agreeing the number and dates with your manager. UH will pay a full day's pay for each of these SPLIT days, in line with the payment for maternity Keeping In-Touch days. You need to agree the dates with your manager. These are in addition to the 10 maternity-related Keeping-In-Touch days.
- 6.2 Both partners may have the 20 days, each from their respective employers, regardless of the duration of their Shared Parental Leave. If you both work for UH, you may each have 20 days.
- 6.3 You will continue to accrue Annual Leave. Where your period of Shared Parental Leave crosses over two leave years, then the untaken leave will also carry across, as it currently does for Maternity Leave.

7 Returning to Work

- 7.1 Return to work from Shared Parental Leave is similar to the return from Maternity Leave. Both you and your manager are encouraged to plan the approach of the return to best enable you to transition back into the workplace.
- 7.2 If you return to work immediately after a period of Shared Parental Leave which, together with any period of maternity/adoption leave was 26 weeks or less, you are entitled to return to the same job. If the period of Shared Parental Leave and maternity /adoption leave was greater than 26 weeks, you may return to the same job or another suitable alternative on comparable terms and conditions.
- 7.3 In the event that your employment ends with the University for whatever reason during a period of shared parental leave, you may still be eligible to receive Statutory Shared Parental Pay, assuming you have met the eligibility criteria. You will not, however, be eligible for Enhanced Shared Parental Pay under the University's enhanced scheme once you have left employment.
- 7.4 Sometimes particular unforeseen circumstances will arise which may vary some of the above approach. If you believe that this has happened in your case, please contact the Employee Support Team. These circumstances may include a miscarriage or stillbirth, the death of the child, or the death of a partner.

8 Shared Parental Pay

- 8.1 **If you are the mother and a UH employee:** You are entitled to ordinary and additional maternity leave and UH enhanced maternity pay or statutory maternity pay, provided you meet the eligibility requirements set out in the University's Policy on Maternity Leave and Pay. However, you may choose either to take maternity leave and pay, or you may curtail your maternity leave and pay and opt to convert your maternity pay to Shared Parental Pay instead, which you will share with your partner. To do this, you must meet the eligibility requirements outlined in the table below.
- 8.2 **If you are the partner and a UH employee:** You will still be entitled to ordinary paternity leave and UH enhanced paternity or statutory paternity pay, provided you meet the eligibility requirements set out in the University's Paternity Leave Policy.
- 8.3 You may choose to take ordinary paternity leave and pay and/or provided the mother has ended her maternity leave, you may agree to convert any remaining entitlement to Shared Parental Leave which you will share. To do this, you must meet the eligibility requirements outlined in the table below.
- 8.4 Shared Parental Pay is paid for a maximum of 37 weeks. Effectively, this is 39 weeks' Statutory Maternity Pay or Statutory Adoption Pay minus 2 weeks' compulsory maternity leave/adoption leave.

8.5 Statutory Shared Parental Pay is paid at the same rate as Statutory Maternity Pay. This is determined by the government on an annual basis. The current rate of Statutory Shared Parental Pay can be found [here](#).

8.6 The table on the following page compares the requirements and the entitlements of the Statutory Shared Parental Pay Scheme and the UH Enhanced Shared Parental Pay Scheme:

	Statutory Scheme	UH Enhanced Scheme
Requirements	<p>To qualify for Shared Parental Pay, you must:</p> <ul style="list-style-type: none"> • Have 26 weeks continuous service at UH by the end of the 15th week before the expected week of childbirth/placement for adoption • Remain in continuous employment with UH until the week before any period of Shared Parental Leave • Have a partner who meets the 'employment and earnings' test • Have earned above the 'Lower Earnings Limit' in the eight weeks leading up to the 15th week before the expected week of childbirth 	<p>To qualify for Enhanced Shared Parental Pay, you must:</p> <ul style="list-style-type: none"> • Have 26 weeks continuous service at UH by the end of the 15th week before the expected week of childbirth/placement for adoption • Remain in continuous employment with UH until the week before any period of Shared Parental Leave • Have a partner who meets the 'employment and earnings test' • Have earned above the 'Lower Earnings Limit' in the eight weeks leading up to the 15th week before the expected week of childbirth • Return to work for at least three months after your Shared Parental Leave ends
Entitlement	<p>If you meet the criteria above, you are entitled to:</p> <ul style="list-style-type: none"> • The standard weekly rate of Shared Parental Pay determined by the government, or 90% of your average weekly earnings, whichever is the lower. 	<p>If you meet the criteria above, you are entitled to:</p> <ul style="list-style-type: none"> • 2 weeks at full pay • 2 weeks at 90% pay • 12 weeks at half pay plus Statutory Shared Parental Pay (SSPP) • 21 weeks at Statutory Shared Parental Pay • 13 weeks at nil pay

- 8.7 **The amount of Shared Parental Pay, both statutory and enhanced under the UH Enhanced Shared Parental Pay Scheme, will be reduced by the amount of statutory or enhanced maternity pay that has already been paid.** If, for example, the mother takes 16 weeks' maternity leave before converting the maternity leave to Shared Parental Leave, the amount of Shared Parental Pay remaining is 23 weeks, comprising of 2 weeks at half pay and 21 weeks at Statutory Shared Parental Pay.
- 8.8 The other parent must follow their own employer's Shared Parental Leave Policy in order to determine their eligibility and entitlement to Shared Parental Leave.
- 8.9 The amount of Shared Parental Pay payable to which the mother or partner is entitled is not in addition to statutory/enhanced Maternity Pay.
- 8.10 Shared Parental pay is paid to you by the University. The University does not pay Shared Parental Pay to the other parent, unless they are also employed by the University and meet the eligibility requirements.
- 8.11 The Lower Earnings Limit is set by the government and is the amount of gross weekly earnings which allows an employee to qualify for certain state benefits. The current Lower Earnings Limit can be found at: [Click Here](#)

9 APPENDIX A

9.1 Definitions of Terms Used

The following definitions are used in this policy:

‘Mother’: the woman who gives birth to a child. They are referred to in this policy as “she”.

‘Primary adopter’: 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/primary adopter. The mother must be sharing the main responsibility for the care of the child with the partner. They can be a spouse, civil partner, or a partner who is living in an enduring relationship with the child. They may be male or female.

‘Parent’: either the mother/primary adopter or partner as described above.

‘Expected Week of Childbirth’: either the expected week of childbirth or date of placement of adopted child.

‘Employee/working for UH’: this term covers people on the following types of contract:

- Permanent (full-time or part-time)
- Fixed term

It does not cover

- Agency workers
- Self-employed contractors

‘Line Manager’: is the person to whom a member of staff reports or is directly responsible

‘School or Department’: the part of UH to which the employee belongs.

10 APPENDIX B

10.1 Case Study Examples

10.1.1 Scenario 1

A new mother has been employed continuously at UH for two years and intends to return to work following Maternity Leave. She has taken four weeks of Ordinary maternity Leave and now wants to take Shared Parental Leave with her partner. Her partner is employed by another organisation and meets the employment and earnings test.

By ending her maternity leave, the mother is entitled to share up to 48 weeks' Shared Parental Leave with her partner. She chooses to take 15 weeks' Shared Parental Leave as a continuous period and her partner takes the remaining 33 weeks' Shared Parental Leave.

The mother will have been paid for four weeks at full pay under UH Policy on Maternity Leave and Pay. Therefore, her UH Enhanced Shared Parental Pay for the subsequent 15 weeks will be as follows:

- i 2 weeks at 90% pay
- ii 12 weeks at half pay plus Statutory Shared Parental Pay (SSPP)
- iii 1-week Statutory Shared Parental pay

Her partner will be paid for the remaining 33 weeks by his/her own employer according to their Shared Parental Leave Policy.

10.1.2 Scenario 2

A partner has been employed continuously at UH for eight months. The mother of the expected child is employed by another organisation and meets the employment and earnings test. She wishes to end her maternity leave early so that she and her partner may take 20 weeks' Shared Parental Leave concurrently.

The mother must take two weeks' compulsory maternity leave, after which she may end her maternity leave and convert 20 weeks to Shared Parental Leave. She will be paid by her own employer according to their policy.

The partner employed by UH does not have one year's continuous service. Therefore, he may take 20 weeks' Shared Parental Leave at the Statutory Shared Parental Pay rate.

10.1.3 Scenario 3

A partner has been employed continuously at UH for 5 years and intends to return to work following Shared Parental Leave. The mother of the child is currently unemployed but meets the employment and earnings test.

The mother is not entitled to Shared Parental Leave as she is not employed. However, the partner may take Shared Parental Leave as the mother meets the employment and earnings test.

The Partner gives notice to take sixteen weeks' Shared Parental Leave as a continuous period following two weeks Ordinary Paternity Leave after the birth of the child. UH is obliged to authorise the sixteen weeks' Shared Parental Leave and the partner is entitled to full Enhanced Shared Parental Pay during this period.

After returning to work, the partner gives eight weeks' notice to take a further four weeks' Shared Parental Leave, but on a discontinuous basis. Specifically, taking two weeks' Shared Parental Leave, returning to work for four weeks, and then taking the further two weeks' Shared Parental Leave. This work pattern is agreed by the employee's manager. The partner's pay entitlement from the child's date of birth will therefore be:

Weeks	Activity	Pay
1-2	Ordinary Paternity Leave	1 week Full Pay and 1 week Ordinary Statutory Paternity Pay
3-18	Shared Parental Leave	2 weeks Full Pay, 2 weeks 90% Full Pay and 12 weeks at 50% of Full Pay
19-26	At work	Full Pay (Salary)
27-29	Shared Parental Leave	Statutory Shared Parental Pay
30-34	At work	Full Pay (Salary)
35-37	Shared parental Leave	Statutory Shared Parental Pay

Sharon Harrison-Barker
 Secretary and Registrar
 Signed: **13 December 2021**

Alternative format

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